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THEIR RELATIONS HISTORICALLY DEVELOPED

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CONTENTS

OF

THE SECOND VOLUME.

CHAPTER XVII.

EFFECTS OF THE FRENCH REVOLUTION ON GERMANY.

Secularisation of Church Property—Secret Treaty between France and Prussia—Treaty of Campo Formio—Congress of Rastadt—Treaty of Lunéville—General Plan of Indemnity imposed by France and Russia—The Ecclesiastical States deprived of Independence—Secularisation in Bavaria under Montgelas—Edict of Religious Liberty—Secularisation in Würtemberg and Baden—Dalberg's Negotiations for a German Concordat—Attempted Concordat for Bavaria—Papal Negotiations with Würtemberg—Bonaparte and the Rhenish Confederation—Ecclesiastical Commission of 1809—Thugut's Policy in Austria—Religious Edict of 1788 in Prussia—The *Landrecht* of 1794—Good Relations with Rome—The *Landrecht* and Protestantism—Mediatising of the Church in Würtemberg . . . . PAGE 1

CHAPTER XVIII.

THE RESTORATION AND THE CATHOLIC CHURCH.

Principle of Legitimacy—Congress of Vienna and the Church—Restoration of Pius VII.—Revival of Papal Pretensions—Re-establishment of the Jesuits—Restoration in Spain, Sardinia, Naples, the Papal States, and Tuscany—France: Clerical Reaction under Louis XVIII. —Papal Convention of 1817—Failure to revive Concordat of 1517—Activity of the *Parti Prêtre*—Law of Sacrilege—The Jesuits denounced by Montlosier—Ordinances of 1828 on Education—Unpopularity of the Clergy—Germany: Opposition of Bavaria to a Federal Concordat—Metternich opposes a Concordat for Austria—Bavarian Concordat of 1817—Constitutional Act and Edict of Religion—Protest of Rome—Royal Rescript of Tegernsee—Negotiations of Prussia with Rome—Niebuhr's Memorial of 1819—Bull *De Salute Animarum*—Circumscription Bull for Hanover—Frankfort Conference of South German States—Their Negotiations with Consalvi—Concordat with the Netherlands—Redistribution of Dioceses in Switzerland—Germany: Roman Sympathies of Catholic Clergy—Anti-Febronian Movement—Wessenberg's Attempts at Church Reform—Romantic and Historic Theories of Catholicism—Ultramontane Doctrines of Görres and Droste—Feeble Policy of the Prussian Government—Catholic Reaction in Silesia—Memorial of 1826—Schimonsky and President Merckel—Ultramontane Progress in the Netherlands—Catholic Emancipation in England . PAGE 35

CHAPTER XIX.

THE STATE AND THE CATHOLIC CHURCH FROM 1830–48.

Effects of the July Revolution—Italy: Insurrection of the Legations—Memorandum of the Great Powers—Integrity of Papal States guaranteed—Papal Misgovernment and Priestly Rule—Spain: Progress of Ultramontanism—Belgium: Revolution of 1830—Union of Catholics and Liberals—Clerical Ascendency—The Union dissolved—France: Popular Reaction against the Clergy—Disturbances in Paris—Timidity of the Government—Anti-Clerical Legislation—Liberal Catholic Movement—Lamennais and the 'Avenir'—Catholicism incompatible with Civil Liberty—Conduct of Education demanded by the Clergy—Aggressive Attitude of the Jesuits—Ireland: the Tithe Grievance—Question of Appropriation—Further Concessions to Catholics—Germany: Growing Dislike of Ultramontanism—Austria: Ultramontane Progress under Ferdinand I.—Readmission of the Jesuits—Mixed Marriages in Hungary—Prussia: Dispute with Rome respecting Mixed Marriages—The Archbishop of Cologne and the Government—The Contest repeated in Posen—Triumph of the Vatican—Germany: Ultramontane Progress in Bavaria—The 'Holy Coat of Trèves'—German Catholic Movement under Ronge and Czerski—Switzerland: Contest between Liberals and Ultramontanes—Catholic League of 1831—The Jesuits invited to Lucerne—War of the Sunderbund—Victory of the Liberals—Italy: Election of Pius IX.—His Political Reforms—Early Signs of Ultramontanism 107

CHAPTER XX.

THE STATE AND THE PROTESTANT CHURCHES, 1815–48.

Protestant Revival after the French Revolution—Anti-Rationalistic Movement under Schleiermacher—Prussia: Church Reforms of Frederick William III.—'Evangelical Union' of Lutherans and Reformed—Synodal Constitution of the New Church—Introduction of the 'Agenda'—Clerical Resistance under Schleiermacher—Persecution in Silesia—Presbyterian Constitution in Westphalia and the Rhine Provinces—General Failure of the 'Union'—Frederick William IV.—His Dislike of Monarchical Episcopacy—His Scheme of Church Organisation—Ordination Formula of 'Union' Theologians—Endowment of Evangelical Church—Germany: Evangelical Union in Nassau—in Rhenish Bavaria—in Baden—in Rhenish Hesse—Hostility of Catholic Government in Bavaria—The 'Genuflexion Decree'—Austria: Persecution of Protestant Zillerthalers in Tyrol—General Progress of German Protestantism—Theological Parties—Liberalism and Free-thinking—Switzerland: Mischievous System of State Domination—Formation of Free Churches—Netherlands: Reconstitution of the Protestant Church—Free Church in Holland—France: Ill-treatment of Protestants—Russia: Persecution of Lutherans in the Baltic Provinces—Great Britain: Removal of Civil Disabilities from Dissenters—The Tractarian Movement—Early Phases of Ritualism—Lay Patronage in Scotland—The Veto Act—Collision between Church and State—Disruption of 1843—Formation of the Free Church—United States: Separatist Principles of Church and State . . . . PAGE 168

CHAPTER XXI.

THE CATHOLIC CHURCH IN REVOLUTION AND REACTION, 1848—59.

Effects of the February Revolution—Italy: Papal Constitution of 1848—Pius IX. and the National Movement—His Flight to Gaëta—Causes of his Failure—Germany: Catholic Movement for Church Independence—Debate in the Frankfort Assembly—Episcopal Demands—The Würzburg Articles—The Bishops' Memorial to the German Governments—Question of State Interference in the Church—Constitutions of 1848 and 1850—System of State-guardianship surrendered—Freedom of the Church in Prussia—Resistance to Clerical Demands in Bavaria—Conflicts in the Upper Rhenish Church Province—Ketteler's Appointment to See of Mayence—Memorial of the Five Bishops—Italy: Restoration of Pius IX. to

Rome—Difficulties of the French Protectorate—Revival of Papal Misgovernment—France: The Ministry and the President—Napoleon's Letter to Colonel Ney—Law of Instruction, 1850—The *Coup d'État*—Alliance of Cæsarism and the Hierarchy—Ultramontane Intolerance—Italy: Absolutist Policy of Pius IX. and Antonelli—Influence of the Jesuits—Dogma of the Immaculate Conception—Programme of the *Civiltà Cattolica*—England: Papal Aggression in 1850—The Ecclesiastical Titles Act—Spain: The Concordat of 1851—Holland: Alliance of Democrats and Ultramontanes—Re-establishment of the Hierarchy—Apathy of the Liberals—Austria: Imperial Patent of March 4, 1849—Episcopal Assembly at Vienna—Demands of the Bishops—Reports of Count Thun—The Emperor surrenders to the Hierarchy—Concordat of 1855—Final Overthrow of Liberalism—Germany (Upper Rhenish Church Province): Concordat with Würtemberg—and with Baden—General Advance of Catholicism—United States: Growing Political Power of the Catholic Clergy . . . . PAGE 203

CHAPTER XXII.

THE ITALIAN QUESTION AND THE PAPAL STATES.

Sardinia: Resistance to Papal Aggression—Constitution of 1848—Abolition of Ecclesiastical Jurisdiction—Civil Marriage Bill—Convent Act—Cavour at the Congress of Paris—Italy: Count Rayneval's Report on the Papal States—Napoleon III. and Italian Independence—War between France and Austria—The Legations annexed by Sardinia—The September Convention—Papal Efforts to retain the Temporal Rule—Napoleon III. denounced by the French Clergy—His temporising Policy—The Turin Government and the Pope—Question of the *Status quo*—Cavour's 'Free Church and Free State'—His Overtures rejected by Pius IX. 269

CHAPTER XXIII.

THE SYLLABUS AND THE VATICAN COUNCIL.

Papal War against Civil Power—Pius IX.'s Alliance with the Jesuits—Their Exaltation of the Papacy—Programme of the Syllabus—First Proposals of a General Council—Allocution of 1867 to the Bishops at Rome—The Council convened—Counter-movement in Germany and France—Address of Coblentz Catholics—Bavaria consults the Universities—Declaration of German Bishops at Fulda—Dupanloup's Warning Pastoral—Circular of Prince Hohenlohe—Passive Attitude of the Governments—Count Bismarck's Instructions to Count Arnim—Opening of the Council—Papal Restrictions on

Freedom of Debate—Composition of the Council—Disproportion of Numbers and Intelligence—Divisions in the Minority—Count Daru's Attempt at Intervention—Consistent Neutrality of Count Bismarck—Arbitrary Conduct of the Majority—Timid Opposition of the Minority—Close of the General Debate—The Constitution voted—Withdrawal of the Minority—The Dogma of Infallibility proclaimed . . . . PAGE 294

CHAPTER XXIV.

THE RESULT OF THE VATICAN COUNCIL.

Triumph of Rome over the Episcopate—Dogmatic Constitution of July 18, 1870—Liberal Catholicism in Germany—Döllinger rebuked by the Curia—Anomalous Attitude of his School—Arguments of Schulte examined—Question of Œcumenicity and Freedom of Council—The Dogma tested by Scripture and Tradition—Congresses of Old Catholics at Munich and Cologne—Chimerical Hopes of a reunited Christendom—Church Constitution of the Old Catholics—Consecration of Bishop Reinkens—Divisions in the Old Catholic Party—The Movement compared with the Reformation—Its untenable Character—Its Protection by the State—False Policy of the Government in Prussia—Conduct of Bavaria—Probable Future of the Movement—Altered Relations between Catholicism and the State—Austria rejects the Concordat—The Reservation of *ex Cathedrâ* 335

CHAPTER XXV.

THE STATE AND THE PROTESTANT CHURCH SINCE 1848.

France: General Synod of 1848—'Union of the Evangelical Churches'—Reorganisation by Napoleon III.—External Oppression of Protestants—General Synod of 1872—Contest between Orthodox and Liberal Parties—Protestantism in Italy—in Spain—in Austria—Illiberal Policy of Count Thun—Protestant Movement in Hungary—Patents of 1859 and 1861—Remedial Legislation of 1868—Germany: Evangelical Church Union at Wittenberg—Prussia: Constitution of 1850—Cabinet Order of 1852—Revision of Rhenish-Westphalian Church Constitution—Passive Conduct of Frederick William IV.—Gerlach and the *Kreuz-zeitung* Party—Their mischievous State-Church Principles—Reforms of Von Bethmann-Hollweg—Church Constitution of Baden—'Union' of Liberal Protestants—Their anti-Confessional Principles—Freethinkers and semi-unbelievers—Their Want of Cohesion—The Confessional Movement—Incorporation of Provincial Churches by Prussia—Scheme of a Church Confederation—Constitutions of 1873 and 1876—Holland: Revised Church Constitution of 1852—System of Secular Education England: Internal Progress of the State-Church—Political Growth of Dissent—State of Church Parties—Public Worship Regulation Act—The Bishops and Ritualism—Prospects of the Established Church—Church Patronage in Scotland—Disestablishment of the Irish Church . . . . PAGE 372

CHAPTER XXVI.

THE STRUGGLES OF THE PRESENT DAY.

AMERICA: Statistics of Catholic Progress—Political Influence of the Hierarchy—Their Attempts to control Education—Protestant Parties of Opposition—Question of Secular Education—The Voluntary System a Counterpoise to Ultramontanism.

GREAT BRITAIN: Unconciliatory Attitude of Catholics—Irish University Bill—Mr. Gladstone and Vaticanism—Progress of the Hierarchy—Aversion to coercive Legislation.

FRANCE: Ultramontane Reaction since 1870—Official Support of Clericalism—Ultramontane Demands in Education—Bill of M. Jules Simon—University Education Law, 1875—Dangers of Radicalism.

SPAIN: Constitution of 1869—Liberty of Worship opposed by Rome.

BELGIUM: Clerical Domination—The Priests and the Liberals.

ITALY: The Government removed to Rome—Law of Papal Guarantees—Religious Corporations Bill—Results of Recent Legislation—Relations between the Vatican and the Government—Prospects of Reconciliation.

AUSTRIA: Legislation of 1874—Regulation of Internal Autonomy of the Church—Protests of the Pope and Bishops—Firm Attitude of the Government—Position of the Old Catholics.

SWITZERLAND: Radical Dictatorship at Geneva—Appointment of Bishop Mermillod—His Quarrel with the Government—Civil Constitution of the Church—Catholic Disunion—Conflict in the Bernese Jura—Removal of Bishop Lachat—Establishment of State-Church in Berne—Revision of the Federal Constitution.

GERMANY: Friendly Relations with Rome before the French War—Reversal of State Policy in Prussia—New Catholic Party of the *Centre*—Harsh Conduct of the Government—Church Legislation of 1871—Case of Dr. Wollmann—Expulsion of the Jesuits—The Falk Laws—Confusion of Civil and Spiritual Competence—Resistance of Catholic Laity—The Würtemberg Law of 1862—Supplementary Legislation against the Church—Banishment of recusant Clergy—Compulsory Civil Marriage Law—The Struggle in 1875—The Pope and the Emperor—Encyclical to Prussian Bishops—Withdrawal of State Salaries—Administration of Church Property—Bismarck's Circular on the next Conclave—What the Catholic Church will never assent to—Survey of the Struggle—The Way to conquer Ultramontanism 418

THE

RELATIONS OF CHURCH AND STATE.

CHAPTER XVII.

EFFECTS OF THE FRENCH REVOLUTION ON GERMANY

Secularisation of Church Property—Secret Treaty between France and Prussia—Treaty of Campo Formio—Congress of Rastadt—Treaty of Lunéville—General Plan of Indemnity imposed by France and Russia—The Ecclesiastical States deprived of Independence—Secularisation in Bavaria under Montgelas—Edict of Religious Liberty—Secularisation in Würtemberg and Baden—Dalberg's Negotiations for a German Concordat—Attempted Concordat for Bavaria—Papal Negotiations with Würtemberg—Bonaparte and the Rhenish Confederation—Ecclesiastical Commission of 1809—Thugut's Policy in Austria—Religious Edict of 1788 in Prussia—The *Landrecht* of 1794—Good relations with Rome—The *Landrecht* and Protestantism—Mediatising of the Church in Würtemberg.

CHAP. XVII.

The principles of the French revolution, although only the consequences of the views which the so-called age of enlightenment had spread, were yet so irreconcilably opposed to all the actual conditions of Europe, that the overthrow of the old French monarchy was bound to lead to conflicts with foreign countries. In the contest of the great powers against revolutionary France, England alone maintained her domestic constitution unaltered, and her soil untouched. No country, on the other hand, was more shaken to her base than the neighbouring Germany.

Secularisation of Church property in Germany.

The relations of the Church to the Empire, no less than to the separate German States, suffered in the first place a searching change through the secularisation of her dignitaries and landed property. The first example of this revolution had been given by the Peace of Westphalia. Later on, at the first partition of Poland, the bishopric of Prussian Ermland, then under Polish sovereignty, was suppressed in the same manner as the ecclesiastical states in West Prussia, one-half only of the revenues of the confiscated property being paid to the previous possessors, in order, as Frederick II. declared, 'that ecclesiastics might not be distracted by the management of their estates, and might be less hindered in the performance of their spiritual duties.' Joseph II. followed the lead with his extensive confiscations of monastic property, and after the French Revolution had made a clean sweep of all the possessions of the Church, it was only natural that during the wars and territorial changes that ensued, the lands and goods of the Church should be regarded as appropriate booty to compensate for losses incurred in other ways.

Secret treaty between France and Prussia, August 5, 1796.

The first new step in this direction was taken by Prussia, in conjunction with France. By a secret convention,[1] signed at Berlin on the advance of the French troops into Bavaria (August 5, 1796), Frederick William II. promised, on behalf of the German empire, not to oppose the cession of the left bank of the Rhine to the French republic, and to recognise the principle that the temporal princes on that bank, who would thus be dispossessed, should be indemnified, at the expense of the spiritual princes of the empire, by the secularisation of their bishoprics. The King of Prussia obtained, as compensation, the bishopric of Münster, with the district of

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[1] See Garden, 'Hist. des Traités,' t. v. p. 359.

Recklinghausen, and engaged to procure for the Prince of Orange, should his restoration to the Stadtholderate be deemed inadmissible, the secularised bishoprics of Würzburg and Bamberg, together with the dignity of Elector; those bishoprics to devolve upon the house of Brandenburg, in case the prince should die without issue male. The Emperor Francis denounced, it is true, these arrangements to the ecclesiastical states of the empire, in order to rouse them to more vigorous action; but he himself admitted the principle of secularisation in the fifth article of the Secret Treaty of Campo Formio[1] (October 17, 1797)—notwithstanding the promise to protect the Church, given in his coronation engagement in 1792, as *advocatus ecclesiæ*—and even accepted the offer of France to procure for him the archbishopric of Salzburg. France now, supported by the promises of the two great powers, openly proposed to the empire, at the Congress of Rastadt, the principle of secularisation (March 15, 1798), in order to gain the frontier of the Rhine. The ecclesiastical states, who resented with good reason these pretensions, as an interference in the constitution of the empire, naturally resisted with all their might the proposal, that they alone should pay the penalty of the German defeats; and when that resistance proved unavailing, fell away among themselves. The bishops showed themselves ready to surrender the possessions of the Church: the archbishops declared themselves content if the demand were limited to the confiscation of the bishoprics. Finally Mayence acquiesced in the secularisation of Cologne and Trèves, provided she herself remained untouched. The secular states of the empire outvied each other in greediness and rapacity, anxious only to secure as much as possible of the lands now considered without a master.

Treaty of Campo Formio Oct. 17, 1797.

Congress of Rastadt, March 15, 1798.

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[1] *Ibid.* t. v. p. 120.

On the 4th of April the Deputation was compelled to accept the principle of secularisation.

Treaty of Lunéville, Feb. 9, 1801.

Three years later that principle was carried into practical effect by the Treaty of Lunéville, followed by the *Recess* of the Deputation. Article VII. of that treaty recited as follows:—'And whereas, in consequence of the cession which the empire makes to the French republic, several princes and states of the empire will be dispossessed, either wholly or in part, while it is incumbent upon the Germanic empire collectively to support the losses resulting from the stipulations in the present treaty; it is agreed between his Majesty the emperor and king, as well in his own name as in that of the Germanic empire, and the French republic, that, in conformity with the principles formally established at the Congress of Rastadt, the empire shall be bound to give to the hereditary princes who shall be dispossessed on the left bank of the Rhine, an indemnity which shall be taken from the whole of the empire, according to arrangements which on these bases shall be ultimately determined upon.'[1] Even the grand duke of Tuscany was promised (Article V.) a 'full and complete indemnity in Germany for the loss of his Italian dominions.'

Two months after the conclusion of this treaty a decree of the Diet of Ratisbon (April 30, 1801), invited the emperor to arrange the settlement of the empire, and on finding Francis delay, appointed (October 8, 1801) a deputation of eight members, with unlimited powers to settle the question of indemnification. But while the plenipotentiaries were negotiating the execution of the articles of the treaty, Bonaparte had made peace with England, and had concluded his convention with the Emperor Alexander (October 11).[2] The German princes now proceeded to open negotiations at Paris, and concluded separate treaties with France.[1] As the Emperor Alexander, through his alliance with the princely house of Baden, obtained a share in the settlement of the empire; so in those days of profound humiliation, the fate of the Church property in Germany lay in the hands of Russia and France.

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[1] Marten's 'Recueil des Traités,' vii. 296.

[2] Garden, t. vi. p. 287.

General plan of indemnity, 1802.

While the cabinet of Vienna still remained inactive, these two powers arranged a scheme of indemnity. Prussia, who was a party to their proceedings, was rewarded with the city of Münster, the bishoprics of Hildesheim and Paderborn, some Mayence possessions, and several abbeys, all of which she immediately proceeded to occupy. Austria, in return for the cession of Ortenau to the duke of Modena, received the bishoprics of Trent and Brixen. The emperor's brother Ferdinand, the grand duke of Tuscany, obtained the archbishopric of Salzburg with the title of Elector, and parts of the bishoprics of Passau and Eichstädt. Bamberg, Freisingen, Augsburg, and Würzburg fell to Bavaria; Osnabrück to George III., as elector of Hanover; Fulda and Corvey, with the imperial city of Dortmund, to the prince of Nassau-Orange, as an indemnity for the lost Stadtholderate and the territories in Holland and Belgium; and other states of the empire were similarly provided for. The Deputation, at the summons of the French and Russian ministers, who attended as mediators, were simply required to accept within two months[2] the scheme in its integrity. It was a proceeding of so unusual a kind, as could only appear possible under the peculiar circum-

Ratified by the *Recess* of the Deputation.

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[1] France and Prussia (May 23, 1802), France and Bavaria (May 24), France and Würtemberg (June 20). These treaties were secret, but their substance is fully given by Garden, t. vii. p. 140 *sqq.*

[2] This was not actually done, however, till the *Recess* of the next year (Feb. 25, 1803). (See Garden, t. vii. *passim.*)

stances of Germany. The empire lost altogether about 1,150 square miles of territory. The various dynasties were indemnified, nay, in all cases, considerably enlarged their possessions. Even princes like those of Hanover and Brunswick, and the dukes of Tuscany and Modena, who had lost nothing on the left bank of the Rhine, and had no claim therefore to compensation, obtained at this general division of Church property, larger or smaller morsels of the spoil. The area of confiscation embraced 1,719 square miles, containing 3,161,776 inhabitants, all of whom now became subjects of secular, and, as so happened, for the most part of Protestant governments. This aggregate included the archbishoprics of Cologne, Trèves, and Mayence, the first two of which were abolished. The archiepiscopal see of Mayence, now presided over by Dalberg, the open ally of the First Consul, was transferred[1] to the cathedral Church of Ratisbon, and the dignity of arch-chancellor of the empire and primate of Germany was attached 'in perpetuity' to its possessor. The elector of Mayence, therefore, alone of all the ecclesiastical princes, was to retain his sovereignty, and to be indemnified, at least in part, for his losses on the left bank of the Rhine, by receiving the principalities of Aschaffenburg and Ratisbon, and the imperial city of Wetzlar 'à titre de comté et en pleine superiorité territoriale,' together with 650,000 florins for income, and another 350,000 florins derived from the octroi on the navigation of the Rhine. Twenty-nine bishoprics and a multitude of convents and abbacies, immediately under the empire, lost their independence. But, in addition to this, the private property of the suppressed convents and abbeys, valued at 420,000,000 florins of capital, was assigned to the different sovereigns; and it was further determined, in like manner, that all the goods of the convents, abbeys, and religious houses, which the *Recess* had not formally disposed of, should be placed at the free and full disposition of the respective territorial princes,[1] who could therefore suppress also all the remaining institutions of that nature, wherever situated in their dominions, and take possession of their property. The only formal reservations were the endowment of the cathedrals which were to be retained, and the pensions for the suppressed clergy. As for the rest, though they were directed to apply the confiscated property to the 'expenses of religious worship, of seminaries for education, and other establishments of public utility,' yet they were allowed to retain the same, if they pleased, 'to ease,' as it was termed, 'their finances.'[2] In connection with this, it is merely to be remarked, that according to § xlii., the convents of recluse women were not to be secularised, unless with the consent of the bishop of the diocese; but the monasteries were left to the disposition of the territorial princes, who might suppress or preserve them at their pleasure. It was further provided, that neither monasteries nor nunneries should receive any novices, without the consent of the local sovereign. To the Church there remained only the pious and charitable foundations, but these were expressly subjected to the supervision and control of the sovereigns.[3]

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[1] 'Recès Principal,' § xxv. in Martens, vii. 483.

In this manner the whole previous distribution of the Catholic hierarchy in Germany was upset. The proceeding was all the more significant, since, according to that organisation, the centres of Church government were the

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[1] 'Recès Principal,' § xxxv.

[2] 'Pour le soulagement de leurs finances.' *Ibid*

[3] *Ibid.* § lxv.

The Ecclesiastical States deprived of independence.

spiritual principalities, immediately under the empire; from whence also the power of the Church was exercised over the dominions of the secular princes, so far, that is to say, as no exemption existed. Of this, however, there could no longer be any question, since the spiritual princes became the subjects of their former co-estates, and the Church thereby lost her territorial independence. No unbiassed person will lament the lost independence of these ecclesiastical principalities, presenting, as they did, such a glaring anomaly to modern times, and having long before challenged criticism by their abuses. The prince-bishops occupied themselves, as was only too plain, far more with their temporal interests than with the spiritual welfare of their dioceses, the large extent of which, moreover, rendered their administration all the more laborious. The extra-territorial jurisdiction which they exercised was a source of dispute with the sovereigns of those territories. But although their justification was gone when they had lost their practical utility, the manner of their incorporation, by which German princes purchased, through heavy bribes, the protection of France and Russia, remains a melancholy page in the history of Germany. The result, moreover, has shown that the dependence of the Catholic Church in Germany on Rome increased with the loss of her secular possessions. The pope protested at that time, it is true, as he protested afterwards at the Congress of Vienna, against the work of spoliation; but this did not prevent him from incorporating into France, by his Bull of December 29, 1800, all the ancient bishoprics on the left bank of the Rhine, and from raising Ratisbon in 1805 to the archiepiscopal see of the whole of Germany, although, in so doing, he carefully avoided all mention of sequestration. Pacca, at that time nuncio, declared later on, in a public speech, that this iniquitous spoliation of the German Church had been no misfortune to her at all, since the bishops, thus deprived of their secular domains, lent the more willing ear, in consequence, to the voice of the Supreme Shepherd of the Church.

Secularisation in Bavaria.

One after another, the separate governments now exercised zealously their newly-acquired rights, by suppressing all the remaining convents, abbeys, and religious houses; while the endowments and pensions of their former possessors were meted out as sparingly as possible. In Bavaria, where certainly most remained to be cleared away in Church and State, this process was conducted with peculiar harshness under the government of Montgelas and Maximilian Joseph. Charles Theodore had soon forsaken the tendencies of his predecessor towards enlightenment. Braun, who had been appointed in 1777 Director-General of Schools, was removed only four years afterwards from his post; and the work of his creation fell rapidly to pieces, under the guidance of ecclesiastics of opposite tendencies. The property of the suppressed order of the Jesuits, originally appropriated to the support of the schools, was applied for providing for the numerous illegitimate children of the elector, and the entire conduct of public education was handed over to religious houses, no less than 170 of which were existing in 1801. Fifteen hundred mendicant friars wandered through the country. The peasantry grew up in coarseness and ignorance, acquainted merely with the external forms of religion, which consisted practically in learning by heart the tenets of the catechism compiled by Jesuits. The feast days took up well-nigh a quarter of the year. Religious service was deformed with grotesque and almost heathenish customs. Processions, pilgrimages, and miraculous images occupied the foremost place in public devotion. All German writings were suppressed as Lutheran; even Kant was prohibited by the censorship.

Certainly the former exclusiveness of Germany could not be entirely re-established. Enlightenment, having once penetrated the national mind, assumed an organised form in the secret society of the *Illuminati*,[1] which, however insipid and untenable its aims, still, in spite of rigorous persecution, grew dangerous to the government from the decline of the country itself. 'This puerile revolt,' says Perthes, 'against the condition of hoary senility, completed the picture of decrepitude, which Bavaria presented towards the end of the eighteenth century.'[2] Such was the posture of affairs, when Montgelas, who, himself one of the Illuminati, had been compelled for that reason to quit Munich, was summoned to direct the ministry in 1799, on the accession of Max Joseph to the electorate. Personally destitute of any moral weight or influence, he represented the tendency of the old doctrine of enlightenment, which saw its mission fulfilled in the removal of the rubbish, accumulated by centuries in the Church and in the State. After the example of his idol Napoleon, he began by effacing the vestiges of all political institutions, from which resistance was still to be expected, and erecting on the ruins an unlimited princely absolutism. That done, he directed his attack against the position hitherto asserted by the Church in Bavaria. The *Recess* of the Deputation having expressly allowed the sovereign (§ lxiii.) to 'tolerate the members of other persuasions, and to grant to them the full enjoyment of civil rights,' the elector formally decreed the admission of Protestants. Thereupon the Standing Committee of the Landtag, 'penetrated with consternation,' protested against this breach of the unity of Catholic faith, which had been ratified by the recent dynastic treaty of 1771. The elector replied,

Montgelas.

Religious equality introduced.

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[1] For a sketch of this society see Menzel's 'History of Germany,' edit. 1849. Engl. transl., vol. iii. p. 101 *sqq.*

[2] 'Polit. Personen und Zustände,' I. p. 443.

that the *jus reformandi* had always belonged exclusively to the territorial princes, and that the Peace of Westphalia protected the subjects in their religion merely in case of the sovereign changing his creed. The equalisation of all Christian confessions, who obey a common system of morality and a common teacher, could have none other but a beneficial effect on the elevation of the physical and moral energies of the country. They had only to compare those States which had sacrificed everything to the monarchy of the Church and to unity of religion, with those which were open to foreign industry and civilisation, without distinction of creed. The acquisition of parts of Swabian and Franconian territory was accompanied with the grant of religious equality; to their Protestant inhabitants all the rights, enjoyed by the Catholics in the hereditary provinces, were amply assured, just as the exclusion of the Catholics was prohibited. The papal protests, urgently warning the elector against the 'horrible evil and lamentable consequences of these edicts,' inasmuch as the weapons of 'defence against the enemies of the Faith were being torn from the hands of the Catholics, and arms were given to the Protestants to injure, freely and without restraint, the Church of Christ,' remained unheeded and ineffectual. The Constitutional Act of 1808 extended to all Christian persuasions, throughout the new kingdom of Bavaria, general equality of civil and political rights, and gave to all subjects perfect liberty of conscience. The Ecclesiastical Council, which was intended to secure the rights of the sovereign against the Catholic Church, but had come very much under the influence of the clergy, was now dissolved, and its authority transferred to a department of the Ministry of the Interior. The elector declared, in an edict of 1804, that his efforts were directed to rehabilitate the priesthood in the dignity of their important office, and to promote the purity of

Edict of 1804.

Christian worship, but that he would never allow the clergy to form an *imperium in imperio*, and to shake off their allegiance, as regarded either their secular conduct or possessions, to the laws and to the government. Even in all spiritual matters, moreover, connected with the State, such as the education of the people, the priests were to be regarded not simply as servants of the Church, but as functionaries also of the government. By the edict of 1803, all matters 'emanating from sovereignty, and not incontestably belonging to the supreme pastoral office,' were transferred to the secular authorities. The schools became State institutions: the elector declared in 1804, that there existed neither a Catholic nor a Protestant system of instruction, and that he would therefore not permit the hierarchy to exert any influence on the schools. The university of Ingolstadt was removed to Landshut, in order to withdraw it from the direction of the bishop of Eichstädt. Protestant students were repeatedly invited to frequent it, and like the newly acquired university of Würzburg, it was reorganised upon a strictly secular system. Spiritual authority was restricted to matters belonging purely to the Church: in all others the clergy were subjected to secular jurisdiction. The *Placet* was rigidly maintained. The administration of all church property was transferred to electoral authority. The episcopal right of collation was curtailed by the right of patronage, vested in the sovereign. The parochial clergy were protected against the bishops; all priests not educated in Bavaria were excluded from benefices; the seminaries for priests were placed under the control of the sovereign. The government, by virtue of the powers of police claimed by it over the Church, interfered, further, directly in the religious life of the people. The long foreign pilgrimages were forbidden, together with scourgings, miraculous cures, Suppression of religious houses.

exorcisms, and similar ecclesiastical mummeries. But the chief attack was directed against convents and religious houses. Those only were preserved, which had been founded for education or the nursing of the sick; the property of the rest was handed over to the fund for defraying the expenses of the public schools. That these religious houses had outlived their objects, is admitted even by Catholic writers. The cathedral chapters were accessible only to the members of a few noble families, who, as sinecurists, squandered their enormous wealth. Each and all, these institutions promoted only indolence and mendicancy. But the harshness, nay brutality, with which the secularisation was effected, is wholly without justification. The non-Bavarian monks were simply taken across the frontier by soldiers. The treasures of the religious houses were brought to the hammer. Their lands and buildings were sold, and frequently for a price out of all proportion to their value, in consequence of the excessive number of offers. Most of the residences of the clergy were speedily altered for the reception of government officials.

It is plain that such measures, which were repeated, more or less, in all German countries, could not fail to change entirely the position of the Catholic Church. Not only did those Priest-States disappear, in which, up to the latest times of the ecclesiastical states, the bishops were sovereigns, and the clergy formed the ruling class; but in the secular territories also there was an end of all those institutions and social conditions, which had presupposed the absolute and exclusive rights of the Catholic Church. The legislation, moreover, which had accomplished these results, by resting on its own sovereignty and ignoring the canon law, appeared with reason more dangerous to the court of Rome than the secularisation of ecclesiastical sovereignties, the twofold character of which frequently brought them into collision with Rome, whenever secular interests were involved. This view was stated very nakedly in the papal brief to Bavaria, of February 12, 1803. The pope therein expresses his extreme disapproval of all that had been done against the rights of the Church and in favour of the non-Catholics, and demands that those perverse measures shall be rescinded, and atonement made for the scandal, given by the successor of those praiseworthy princes, who for three centuries had preserved inviolate, by their legislation, the Catholic Church in Bavaria.[1]

Secularisation in Würtemburg,

Würtemberg proceeded on similar principles of territorialism. This country, up to 1802, had been purely Protestant; but after that time it acquired so much Catholic territory of the empire, that its area equalled that of the hereditary dukedom. Here also the exclusive barriers of creed were broken down, and equal rights conceded to the three confessions; but the churches, at the same time, were subjected entirely to the civil power. Frederick I. declared to the pope, that he would recognise no regulations made by a foreign power, respecting the internal relations of the kingdom; and he secured obedience to his own commands by instituting a Church Council under the Minister of Public Worship, besides claiming the exercise of the *Placet* for every ecclesiastical publication. The existing episcopal jurisdiction was acquiesced in only for purely ecclesiastical causes; in all mixed questions, such as those relating to marriage, deprivation of office, and others, the concurrence of the civil government was required. The latter also interfered in all matters of worship and discipline. Pilgrimages to foreign parts were forbidden, as also any devotional exercise out of doors after dark; and the national schools, previously conducted by the Church, were placed under the government.

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[1] Sicherer, 'Staat und Kirche in Bayern.' (Document No. 3.)

in Baden, &c.

If proceedings were less violent in Baden, Hesse, and Nassau, the reason lay partly in the personal character of their princes, like Charles Frederick of Baden, partly also in the circumstance, that in this motley group of states, the Church was not a power, like the Catholic Church in Bavaria, and the Protestant in Würtemberg. On the contrary, the university of Freiburg, which Baden acquired with the Breisgau, had been the head-quarters of that Josephist doctrine of Church rights, which conceded civil authority over the Church equally to a Protestant, as to the former Catholic government. For the same reason also, the clergy there educated offered no resistance to the thoroughly territorial system which the grand-duke introduced.

Internal constitution of the German Church.

With regard to the internal organisation of the Church in Germany, it is to be noticed that the Circumscription Bull of November 29, 1801, which, issued in execution of the French Concordat, had converted all those portions of the trans-Rhenane German bishoprics into French dioceses, left the portions on the right bank unaltered and undisturbed. The *Recess* of the Deputation determined (§ lxii.) that the archiepiscopal and episcopal dioceses should remain *in statu quo*, 'pending the establishment of a new diocesan organisation, conformable to the laws of the empire,' and undertook to obtain their future endowment. It was attempted at first to effect this readjustment in the manner prescribed, by opening negotiations with Rome on the subject of a Concordat for the empire.

Dalberg's scheme of a Concordat.

The soul of this movement was the electoral arch-chancellor Charles von Dalberg. Raised to the dignity of German primate, by his facile conduct to Napoleon, he had inherited the only remaining archiepiscopal see out of the four previously existing in Germany. As such he aspired, after the example set by the former archbishop of Mayence, to apply the principles embodied in the Ems Punctations, with a view to obtaining a greater independence for the German hierarchy. And in many respects, circumstances appeared to favour his design. The immediate bishops of the empire, whose jealous opposition had proved so fatal to the metropolitans, had become the subjects of secular princes; and their interests now, conversely to before, prompted them to look for protection to the sole remaining territorial magnate of the Church, against the sovereigns thus forced upon them. The imperial court, moreover, which formerly had sided with the bishops, was now equally inclined to a settlement of the relations of the Catholic Church, conformable to the laws of the empire; for, as supreme head of that empire, it hoped to reassert its rightful protectorate, as *advocatus ecclesiæ.* Lastly, Rome also inclined in this direction, because she avoided thereby the necessity of treating separately with the various princes, most of whom were Protestants, in the manner they naturally demanded. Accordingly the pope declared to them, as well as to the First Consul, that he could not negotiate, 'séparément ni indépendamment du chef de l'empire.'

The negotiations collapse.

Thus then the nuncio at Vienna, and afterwards della Genga, the former nuncio at Cologne, actually endeavoured to effect an agreement with two representatives of the empire, on the basis of a Concordat for Germany. But insurmountable obstacles arose at the outset. The court at Vienna declared that the intended agreement could only apply to the empire, not to the hereditary states of Austria. Here therefore the very ordinances of Joseph II. were to continue untouched, which it was the essential object of the Vatican in this negotiation to cancel.[1] On the other hand, Dalberg deceived himself in hoping to obtain something similar to the French Concordat. The motives of compulsion, which had induced Pius VII. to yield so much to the First Consul, were entirely wanting in his dealings with Germany. On the contrary, he even declared that the very fact of his having been forced to make such concessions to France, made him the less able to grant any alleviations to other countries. Thus the negotiations came to a dead-lock. Dalberg, it is true, had effected so far an agreement with Genga's auditor, Count Troni, that a national German Church should be constituted for the territories not belonging to Austria and Prussia, with eleven bishoprics under the primate, who was to be elected in future by the chapter of the metropolitan. But in the conferences on this scheme, conducted at Paris between Dalberg, who had gone thither for the coronation of the Emperor, and the Cardinals Antonelli, Pietro, and Casselli, the latter made so many reservations and objections, that the whole plan came to nothing. Dalberg only obtained the papal sanction to the transfer of the see of Mayence to Ratisbon, after the urgent intercession of Napoleon with Pius VII. A menacing letter of the emperor to the pope, after the battle of Austerlitz, in which he threatened to arrange the relations of the German Church with Dalberg alone, without Rome, proved ineffectual. The negotiation with Consalvi was formally adjourned, 'on account of the heavy troubles and the embarrassed position of the pope.'[1] By the establishment of the Confederation of the Rhine (July 17, 1806), and the abdication of the imperial crown of Germany by Francis II. (August 6),[2] the formal possibility of a Concordat of the empire fell to the ground; and the elevation of Dalberg as grand-duke of Frankfort, removed the anomaly of a solitary ecclesiastical principality surviving beside the papal states.

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[1] Consalvi, 'Mémoires,' vol. ii. pp. 304–7.

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[1] Meyer, 'Zur Geschichte der Römisch-Deutschen Frage,' i. p. 225. Rostock, 1872.

[2] 'Hist. des Traités,' vol. viii. Meyer, 'Corpus,' vol. i. p. 70.

Attempted Concordat for Bavaria.

As the pope regarded the abdication of the emperor simply as a private act, and refused to recognise either the discontinuance of the Holy Roman Empire, or Napoleon's protectorate of the Confederation of the Rhine, nothing was now left but to negotiate separate Concordats with those territorial princes who had acquired the rights of sovereigns. The most important of these, the former elector, and now king of Bavaria, had opposed most warmly, from the first, Dalberg's attempted Concordat for the empire; nay, he had distinctly announced his intention to repudiate it ultimately, if concluded, and in that resolve he was supported by Napoleon, who wished also to have a hand in this business. Already in 1804, the suffragan bishop of Munich, von Häffelin, had been specially despatched to Rome, in order to point out the dangers that might arise to the Papacy from an imperial Concordat, by conferring such a powerful position upon the German primate, especially if an archduke were to occupy his see, and to urge the conclusion of a separate Concordat, with the view of obviating those evils, and regulating the relations of the Bavarian National Church.[1] But Häffelin met with a reception most unfavourable from Consalvi, who complained warmly of the injuries inflicted on the Church by the recent legislation in Bavaria, and demanded, with reference to the Brief of February 12, 1803, the restoration of the old exclusively Catholic system as the preliminary condition of an agreement. With such pretensions to start with, it was naturally impossible to arrive at an understanding; and Häffelin failed equally later on, when the question of a Concordat was put aside, to obtain the assent of the pope to the establishment of a National Church, and

[1] Sicherer, p. 75.

the nomination of bishops by the crown.[1] The Curia answered only with complaints of the innovations against the Church in Bavaria, and by referring again to the negotiations for an imperial Concordat; carefully abstaining, however, from admitting the cause, namely, the *Recess* of the Deputation of the empire. But this ground of objection was removed, after Bavaria had gained by the Peace of Pressburg, and the Act of the Confederation of the Rhine,[2] not only the royal dignity but full sovereignty over the whole of her territories, including the districts ceded by Austria, such as Tyrol, the Vorarlberg, &c. Rome accordingly now declared her readiness to negotiate a national Concordat with Bavaria, and sent della Genga to Munich for that purpose. But the nuncio's demands augured ill for the success of his mission. He insisted inflexibly, and on all points, on the re-establishment of the canon law. The government was to be excluded from all control over ecclesiastical affairs. The clergy and the property of the Church were to enjoy once more absolute immunity: the ecclesiastical jurisdiction was to be recognised: the entire management of schools, seminaries, and benevolent institutions was to be handed over to clerical authorities: the censorship of the Church was to be re-introduced:

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[1] The despatches of the ambassador, as recorded by Sicherer, show him to have been a clear-sighted man. He writes to his court on April 8, 1805 as follows: 'It has been proved by experience that every Concordat with Rome or the bishops has been disadvantageous to the princes who concluded it. If the question is simply one of ecclesiastical dominion, then no Concordat is needed; if of secular dominion, then the precept of the Gospel must be followed, "Render unto Cæsar that which is Cæsar's"; and on this point no prince must enter into treaties with the shepherd.' Later on, unfortunately, he renounced these excellent principles. See p. 62.

[2] For this Act—the 'Rheinbund'—see Koch's 'Traités' (continued by Schöll), vol. viii.; and Meyer's 'Corpus Juris Confederationis Germanicæ,' vol. i.

and a promise was to be given to reinstate the Catholic religion in its integrity. In a word, the abrogation was demanded of all the recent ecclesiastical legislation in Bavaria. It is true that, in the course of these negotiations, the nuncio refrained from adhering tenaciously to all the above demands. He pointed out, that 'the Curia, in concluding the Concordat, must ensure the recognition in principle of all its claims, in order to retain for itself the strict letter of the treaty, as well as the power to insist, if necessary, on its full execution; but that it was willing, at the same time, orally to declare, for the sake of quieting the government, that, while having no intention of explicitly approving a course of legislation opposed to the claims of Rome, and the text of the treaty, nevertheless it would tacitly accept it.'[1] Notwithstanding this, however, the points of view adopted by the two parties, were so diametrically opposed, that the negotiations, after lasting for fourteen months, had to be broken off without any tangible result. The mutual estrangement increased still more, when the pope energetically supported the Tyrolese bishops in their resistance against the Church legislation of Bavaria, and positively forbade them to yield in any way. The government expelled them from their sees, decreed temporal disabilities against the clergy who adhered to their cause, and finally interned them; measures which led to violent disturbances among the population, and ultimately to an open revolt under Hofer against the enemies of the Church.

Papal negotiations with Würtemberg, 1807.

It is remarkable that the nuncio, on his visit to Stuttgart, after the failure of the negotiations with Bavaria, showed himself far more yielding to the Protestant king of Würtemberg. The essential reason of this lay undoubtedly in the fact, that here, from the nature of the circumstances, the question was not, as in

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[1] Sicherer, p. 123.

Bavaria, of the re-establishment of the exclusive authority of Catholicism, but of consolidating its legal *status* in a country hitherto purely Lutheran. The form chosen for this purpose was not a Concordat, but a treaty, stipulating that the king should issue an ordinance to regulate the relations of his Catholic subjects to the Romish Church. And an agreement was soon arrived at on all essential points. In a secret article, della Genga actually conceded to the crown the right of nominating to the two bishoprics to be newly established—the right, that is to say, of proposing nominees, to whom, if canonically eligible, the pope was bound to grant the necessary institution. By these mutual overtures, the negotiation took a satisfactory course; and although not all the points of difference were yet removed, the final signatures would have been attached to the treaty, had not a peremptory summons arrived from Paris, to break off all separate negotiations with Rome, as Napoleon was about to arrange a common Concordat for the Confederation of the Rhine, at Paris, whither the nuncio was directed immediately to repair.[1]

Bonaparte and the Rhenish Confederation.

But there, also, no practical result was achieved. The separate states were as loth to accept a Concordat of the Rhenish Confederation, as a Concordat of the empire, since in either case their sovereignty would be curtailed. Least of all did they desire to submit themselves to an ecclesiastical organisation of the Rhenish Confederation under the prince-primate. Dalberg's project, carefully elaborated with that object, was not even seriously discussed: and the final rupture of Napoleon with the pope terminated also for the time the negotiations on the affairs of Germany. The deliberation of these was resumed, at the instigation of Dalberg, by the ecclesiastical commission, to which Napoleon in 1809 submitted the question whether the pope was entitled to refuse, on worldly considerations, the institution to bishops. The French emperor, as Protector of the Confederation of the Rhine, desired to know what measures to adopt, in order to extricate the German Church from the confusion occasioned by the obstinacy of the pope. The commission acknowledged the melancholy condition of the Church within the states of the Confederation, but imputed the blame, not so much to the pope as to the territorial administration of the sovereigns of those countries, which took the liberty of intruding generally in matters purely spiritual. The commissioners demanded a Concordat for the Confederation of the Rhine to be concluded under the mediation of Napoleon, and framed upon the model of the French one.[1] This report, which referred to communications received by the primate, was evidently suggested by Dalberg himself; since only in this manner could he hope to accomplish his wishes. To support those wishes he addressed, at the same time, a memorial to the emperor, '*De la paix de l'Église dans les états de la Confédération Rhénane*,' in which he deeply lamented that the German bishops, since the secularisation began, had been deprived of their endowments, ignoring the fact that he himself, contrary to his episcopal oath, had bartered his own endowment, together with the spiritual principality, in exchange for the large revenues of the grand-duchy of Frankfort. Practically speaking, no more was effected by the commission than by the council, at which Dalberg assisted, and where German affairs did not once come under discussion.

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[1] The course of these negotiations is described in detail by Mejer: 'Die Concordats-verhandlungen Würtembergs im Jahre 1807.' (Stuttgart, 1859.)

Ecclesiastical commission of 1809.

By German affairs, to be sure, at that melancholy period, are understood only those of the States of the Rhenish Confederation. Austria and Prussia were ex-

Thugut's policy in Austria.

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[1] Mejer, vol. i. p. 330.

cluded from consideration. Of Austria, at this period, there is little to say. Her prime minister, Thugut, was of opinion, that in France the triumph of the Revolution was simply due to the court having tolerated the philosophy of enlightenment. In order to prevent the same consequences in Austria, he endeavoured to re-erect those barriers, which had been partially removed by Joseph II., and to suppress everything calculated to awaken intellectual life. On the other hand, by strengthening the authority of the Church, it was attempted to cement the ties of obedience among the subjects towards the government. For this reason no use was made of the right, conferred by the *Recess* of the Deputation, of confiscating ecclesiastical property. The restrictions imposed on the vows of the different orders were relaxed; and the provincials were allowed the visitation of the religious houses subjected to their control; but in all this the territorial principle was still adhered to towards the Church.

In Prussia, likewise, a reactionary movement set in with the death of Frederick the Great. An enemy of those shallow Berlin theories of enlightenment, which had filled Lessing with disgust,[1] Frederick William was of opinion that he dared not suffer the principles of Church doctrine to which he himself, though without intolerance,

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[1] 'Pray do not talk to me,' he writes to Nicolai, 'of your Berlin liberty of thinking and writing. It is simply the freedom of carrying to market as many foolish things against religion as people choose. . . . . What else is it, this new-fangled theology of ours, compared with orthodoxy, than the drainage of a dung-heap to dirty water? A mere patchwork of bunglers and quasi-philosophers is that system of religion they now desire to substitute for the old, and far more pretension to exercise an influence on reason and philosophy than the old one ever arrogated to itself. Under the pretext of making us rational Christians, they make us very irrational philosophers.' (To his brother Charles, Feb. 2, 1774.)

Religious edict of 1788 in Prussia.

adhered, to be shaken by the rationalism of the clergy. But certainly this conviction found a most unhappy expression in the religious edict of 1788, prepared by his minister, Wöllner. The king therein declared that he had observed with regret that many of the Protestant clergy allowed themselves a liberty altogether unbounded with regard to the dogmas of their persuasion, and were propagating a denial of various fundamental truths of the Christian religion, under the strangely perverted name of Enlightenment. In accordance with the principle of toleration, which from time immemorial had distinguished the Prussian dominions, no measures of constraint should be exercised over the conscience of any subject, so long as he peaceably fulfilled, as a good citizen, his duties to the State, kept his private opinions to himself, and took strict care not to disseminate them, or to inspire others with errors or uncertainties respecting their faith. Inasmuch, however, as the duty of every Christian prince was to take care that the people should be instructed in the pure Christian faith, it was therefore commanded that the three principal persuasions—namely, the Lutheran, the Reformed, and the Roman Catholic—should be maintained and protected according to their former constitution; in order that the people might not be made the sport of the illusions of new-fangled teachers. Such an abuse the sovereign could no more tolerate, than that the judges should alter the laws according to their pleasure. Every teacher of Christianity, therefore, should teach that which bears the fixed and positive doctrine of his confession. 'Thus the Christian minister,' the edict continued, 'who, in respect of faith, is convinced of things contrary to those prescribed to him by the doctrine of his conscience, ought to take care lest this conviction lead him into risks and dangers; for we wish not to arrogate any authority over his conscience. But according to this same conscience, he ought to cease teaching in his church; he ought to resign a charge which, for the above-named reasons, he feels himself incapable of fulfilling; for the doctrine of the Church ought not to be regulated by the conviction of this or that ecclesiastic; but on the contrary, the conviction of the ecclesiastic by the doctrine of the Church; and such an ecclesiastic cannot of right remain such; but is bound, strictly speaking, to resign. However, from our great love of liberty of conscience, we are willing even to suffer the ecclesiastics who deviate from the faith of the symbolical books to remain quiet in their charges; only in the instructions they give their flock, the rules of doctrine must always be kept sacred and inviolable.' For the future, however, it was provided, that the heads of the ecclesiastical departments were to take especial care that the livings, and the Chairs of Theology in the universities as well as all places in the schools, should be filled by persons who had given no reason to doubt of their perfect agreement with the doctrines which it was their duty publicly to expound.[1]

In this edict is shown a strange mixture of well-meaning and legitimate intentions in favour of the Church, together with illegitimate and impracticable demands. It was certainly quite consistent with propriety, that the government should not suffer clergymen who were bound to the dogmas of a definite confession, to deny or pervert the most essential points of those dogmas in their sermons, for the doctrines of a Church can never be fashioned according to the convictions, for the time being, of the clergyman. Did not even Kant in his 'Treatise on Enlightenment' demand, that a clergyman should resign his office, if the precepts he was bound to teach as an accredited minister of the Church, conflicted with that Religion of Reason which Kant himself recognised as the true one? But when the edict in its presumed tolerance required the clergyman to propound to his flock a system of doctrine, in which he himself no longer believed, it put forward a demand which could never practically be enforced, and could only lead to hypocrisy. While, moreover, the liberty of confession within the Church was protected against the arbitrary violence of her own ministers, the Church herself remained the abject servant of the State. The parallel established between clergymen and judges, showed how slavish was the adherence to the narrow-minded principle of territorialism, according to which ecclesiastics were simple functionaries, 'officiers,' as Mirabeau said, 'de la morale publique.' And lastly, since the whole edict, so far from originating in any spontaneous and independent revival of religious life, was decreed by a superior power, and its provisions most clumsily executed, it bore from the very first the character of a measure of religious coercion by the State. Accordingly, it was bound to prove almost barren of effect, and naturally provoked opposition, which was all the more warm, since the zeal for maintaining the purity of the faith left unnoticed the immorality that continued to spread, after the contagion of the court at Berlin. The dismissal, therefore, of Wöllner's government under Frederick William III. was hailed as a welcome deliverance; and the edict, though not actually annulled, was no longer enforced.

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[1] Segur's 'History of the Principal Events of the Reign of Frederick William II., 1801'; vol. i.: Appendix, p. 437.

Prussian *Landrecht* of 1794.

Far richer in results for the relations of Church and State, was the Code of General Law for Prussia (*Allgemeines Landrecht*) prepared by the direction of Frederick II. and completed in 1794, with the design of consolidating the entire edifice of public and private law. Part II., tit. xi., treats of the rights and duties of the various Churches and religious bodies. The introduction sanctions full liberty of conscience and the right of private worship, so far as that right is not employed as a pretext to cover practices dangerous to the State. Every subject of full age is free to choose what religion he wishes to profess. On the other hand, the formation of religious societies is made subject to the approval of the State: they are divided into those which are publicly recognised, and those which are simply tolerated. The latter are bound to prove that they teach nothing contrary to morality and the Government. If they fulfil that condition, they are allowed to conduct their form of worship in a building set apart for that purpose; but they have not the rights of privileged corporations, such as are conceded to publicly recognised religious societies. Both are subject to the laws and the supervision of the State, which is further entitled to take cognisance of their doctrines. All mutual recriminations and persecutions are strictly forbidden. No religious society is authorised to force commands of faith upon its members against their conviction. It cannot exclude members on account of mere opinions, deviating from the common confession of belief;[1] it can only exclude those from its communion who occasion public scandal or disturb devotion. In all cases of dispute, the decision rests with the State. The discipline of the Church is not to degenerate into punishments affecting the person, the reputation, or the property of her members: the regulations respecting worship require the assent of the secular power, but when that assent is obtained, they

Rights of religious societies.

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[1] A principle which in its consequences leads to the destruction of the Church; for what else is a Church but a community united by the common creed of its members? If a Catholic rejects the supremacy of the Pope, or a Protestant the Divinity of Christ, this is certainly a fundamental divergence of belief; yet, according to this principle, both are to remain members of their respective Churches, unless they occasion public scandal.

possess the binding force of other ordinances of police. A number of Church societies, i.e., of individual congregations, do not enjoy of necessity any relations of mutual union, even when they belong to one and the same religious sect. All ecclesiastics, in other words, all who have been appointed in a Christian congregation to conduct religious instruction and divine worship, and to administer the Sacraments, are considered servants of the State. As they enjoy equal rights with other functionaries, so in like manner their peculiar duties are enjoined upon them. They are not to exercise any civil trade or craft; they are to teach nothing contrary to the fundamental doctrines of their sect; they are neither arbitrarily to exclude members of the congregation from participation of worship or the Sacraments, nor to retain any one by external compulsion. The members of a congregation must submit to its ordinances; their observance of the outward usages and regulations of their sect may be enforced, moreover, by the State, in so far as any civil rights are involved; and they are bound to contribute towards the maintenance of all officers of their Church. The State determines to which of the different congregations of his particular sect the individual sectary is to contribute: as a rule, he is taken to belong to the one where he has fixed his ordinary abode.

Rights of Catholic bishops.

With regard to the Catholic Church, the bishop is recognised as the common head of all communities (*Gemeinden*) within his appointed district, the diocese. He enjoys the usual rights of diocesans, but he is not to introduce, nor permit to be introduced, any new regulations without the license of the government. No foreign bishop or other ecclesiastical superior is allowed to arrogate to himself either legislative power or jurisdiction in Church matters; if any such authority is expressly conceded, the foreign dignitary in question must appoint for that purpose a territorial Vicar, approved by the government, who is not only bound himself to observe strictly the limits prescribed to the native bishops, but dare not allow those limits to be transgressed by his foreign superiors. All papal bulls and briefs, as well as all decrees emanating from foreign ecclesiastical superiors, are subject to the *Placet.* All synods within the realm, and all invitations to councils in other countries, are subject, as well as their decrees, to the sanction of the State. The episcopal powers of Church discipline and punishment against the inferior clergy are restricted to penitential exercises, to penalties not exceeding twenty dollars, or to imprisonment not exceeding the space of one month—longer terms being matters of ordinary criminal jurisdiction. The nomination of bishops, when not expressly reserved to the crown, is to be exercised by the chapter, whose choice the government may control by means of commissions, but must agree to when made. Not until that sanction, however, is obtained, can application be made to the ecclesiastical superiors to ratify the choice. The bishops are at liberty to perform their duties by delegates, but the appointment of vicars-general or coadjutors must be sanctioned by the government, before they can exercise the faculties conferred on him by the pope.

Parochial clergy.

The parochial clergy, who are subject to episcopal inspection, are to be appointed according to the ecclesiastical law of the province; but no priest can be ordained until he has the opportunity of accepting a spiritual office sufficient for his maintenance. No one is to be promoted to any office in the Church without the consent of the bishop, the community, however, enjoying a right of protest, in the event of substantial objections existing.

Church property.

Still more directly does the State interfere in the matter of Church property. The government exercises the supreme control over its administration, and can insist on its being applied to proper purposes. Its permission is necessary for the building of new churches, and proof must be given in every case, that the building in question is required, and that funds exist for its erection and maintenance. All donations and bequests to churches, exceeding five hundred dollars in amount, as also the acquisition of landed property and grants to extra-territorial churches, require the consent of the civil power. The regulations of religious and monastic societies are prescribed down to the minutest details.

The *Landrecht* is the most perfect expression of the 'collegio-territorial' system then prevailing—a system which granted to the Church a qualified autonomy on many points, but placed her in most of them under the guardianship of the State, whose rights, as regards the Sovereign, were watched over by the 'ecclesiastical department.'

State tutelage of the Church.

The right of supreme direction by the State is amply regulated in accordance with the general purpose in view. But no trace is found of any principle of separation between the provinces of Church and State: on the contrary, the State demands throughout the co-operation of the Church, even in questions of a purely civil character, while claiming to be the supreme arbiter of all internal questions relating to the Church. This system of guardianship harmonised, it is true, with the spirit of the times, and cannot excite surprise in a code of laws, which declared that every healthy mother was bound in duty to suckle her child herself. Since, moreover, the same collegio-territorial system was existing at that time in purely Catholic States, the introduction of the *Landrecht* met with no resistance either from the Catholic population of these States, or from the Court of Rome, although in many essential points it was opposed to the canon law, not only, for example, in its treatment of ecclesiastics as servants of the State, and in its restrictions upon ordination, etc., but also in its provisions, that in mixed marriages the sons should be baptised and educated in the religion of the father, the daughters in that of the mother; that in default of cemeteries of their own, the different persuasions should not be allowed to withhold from each other the right of burial, and in other injunctions of like nature.

Good relations of Prussia with Rome.

The relations of Prussia to the Roman See were at this time excellent. The bishops nominated by the king received the canonical institution without any difficulty, nay, the pope declared in 1802 to the French ambassador, that he only enjoyed real peace in the management of those Catholics, who were subjects of unbelievers and heretics, as in Russia, England, Prussia and the Levant.[1] About this period also the Vatican received for the first time a Prussian ambassador in the person of William von Humboldt, who remained on good terms with the Papal Court notwithstanding his instructions to repel decisively any encroachment on the rights of his sovereign; to prevent in particular the despatch of a nuncio to Berlin or the appointment of a vicar-general; and not to allow foreign prelates to receive commissions that had any reference to Prussia.[2] Even when by the peace of Tilsit Prussia lost the countries on the left bank of the Elbe and all her Polish acquisitions, she clung fast to her principle of territorial independence, and would not allow those bishops who had ceased by that treaty to belong to her dominions, to exercise any functions in the Prussian kingdom. And yet all this disturbed as little her good relations with Rome, as did the confiscation of all ecclesiastical property decreed by the edict of 1810, but carried out with great forbearance; the abolition and reorganisation of the cathedral-chapter at Breslau; or the monstrous order, that Catholic soldiers, in order to 'habituate themselves to the respect due to the chief religion of the country,' should every fourth Sunday be present at the evangelical military service.

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[1] Despatch of Cacault, July 29, 1802, in Haussonville, I. p. 217.

[2] Mejer, I. p. 429.

The *Landrecht* and Protestantism.

It is readily intelligible that the *Landrecht*, which interfered so closely with the relations of the Catholic Church, proceeded in a far more trenchant manner in its dealings with that of the Protestants, interwoven as their Church was with the principle of the supreme episcopal authority of the Sovereign. The compact constitution of the hierarchy might be limited, but its essential organisation continued unchanged. The Protestant Church on the contrary, which had no ecclesiastical superiors, but merely consistories under the sovereign, was treated simply as an institution of the State; nay, the provision that individual congregations of the same religious sect do not enjoy of necessity any relations of mutual union, negatived her theory of a community of faith and confession. The system, therefore, of parochial self-government in the Church, which had been attempted to be constructed on the basis of brotherly concord, was never able to develope itself.

The principle thus embodied in the *Landrecht*, found their characteristic expression later on in the edict of 1808 on the altered constitution of the supreme authorities of the State, which abolished the central authorities of the Church as well as the consistories, and transferred the administration of ecclesiastical matters as affairs of police to the Ministry of the Interior and the civil government. In this manner the Church ceased to be an independent organism, and became simply a department of the administration as an institution for public education. The head consistory remonstrated as was natural, on the ground that the supreme episcopal government of the Church and the supreme government of the State by the sovereign, were two distinct offices, the fusion of which would hinder rather than promote religion. But their remonstrance was unheeded. It was due solely to the personal influence of William von Humboldt, who himself held aloof from all positive religion, that so able a man as Nicolovius was placed at the head of the department of Public Worship, a man who had undertaken the self-imposed mission of re-awakening the religious faith of the people. It is easy to understand that a liberal-minded divine like Schleiermacher should warmly inveigh in his religious discourses against this degradation of the Church to the level of a mere institution of the State, as a position totally unworthy of her exalted character.

Mediatising of the Church in Würtemberg, 1806.

In Prussia, this process of mediatising the Church was effected indeed without any serious resistance, for the Church there had long been feeble in her attitude towards the State. But in the strictly Lutheran Würtemberg it required all the powerful energy of Frederick I. to break the stubborn independence of the Church. The Duke, it is true, was head of the Church, but that Church was completely severed from the State by her constitution, and maintained a position of extreme independence through her dignitaries, her vast and self-administered possessions, and her spiritual no less than her political influence. The absolutism of the king would not tolerate such a power in his country. By his edict of 1806 he stripped the Church of all her property, estimated at 30 million florins, incorporated it with the property of the State, and placed the entire system of education, which had hitherto been subject to ecclesiastical control, the University of

Tubingen, and the whole Church herself, solely under his officers of State.

Bavaria.

Although in Bavaria this period brought civil equality to the Protestants, as it did to the Catholics in Würtemberg and Saxony, yet Montgelas took care that the evangelical Church should not acquire a position of independence in the new kingdom, but be directly subject to the government. Of all the States included in the Rhenish Confederation, Baden alone under the guidance of her grand-duke and his able servant, J. F. Brauer, showed that the practical duties of ecclesiastical legislation were understood in that country.

Baden.

In Germany the era of the Revolution had swept away, as in other things, so in the relations of Church and State, much that was untenable. But it had done nothing more than remove the old: it was reserved for the following epoch to show how far any vital power existed to create the new.

CHAPTER XVIII.

THE RESTORATION AND THE CATHOLIC CHURCH.

Principle of Legitimacy—Congress of Vienna and the Church—Restoration of Pius VII.—Revival of Papal Pretensions—Re-establishment of the Jesuits—Restoration in Spain, Sardinia, Naples, the Papal States, and Tuscany—France: Clerical reaction under Louis XVIII.—Papal Convention of 1817—Failure to revive Concordat of 1517—Activity of the *Parti Prètre*—Law of Sacrilege—The Jesuits denounced by Montlosier—Ordinances of 1828 on Education—Unpopularity of the Clergy—Germany: Opposition of Bavaria to a Federal Concordat—Metternich opposes a Concordat for Austria—Bavarian Concordat of 1817—Constitutional Act and Edict of Religion—Protest of Rome—Royal Rescript of Tegernsee—Negotiations of Prussia with Rome—Niebuhr's Memorial of 1819—Bull *De Salute Animarum*—Circumscription Bull for Hanover—Frankfort Conference of South German States—their Negotiations with Consalvi—Concordat with the Netherlands—Redistribution of Dioceses in Switzerland—Germany: Roman sympathies of Catholic Clergy—Anti-Febronian Movement—Wessenberg's Attempts at Church Reform—Romantic and Historic Theories of Catholicism—Ultramontane Doctrines of Görres and Droste—Feeble Policy of the Prussian Government—Catholic reaction in Silesia—Memorial of 1826—Schimonsky and President Merckel—Ultramontane Progress in the Netherlands—Catholic Emancipation in England.

CHAP. XVIII.

WITH the fall of Napoleon commenced an epoch, every effort of which was directed to allaying the convulsions of the last five and twenty years by a re-establishment of opposite principles. The Restoration followed upon the Revolution. If the latter had originated in the presumption of the equal rights of all mankind, and the recognition of a philosophical right of reason, to be realised in the State without any regard to existing historical conditions of society; now, on the contrary, the rights of dynasties and of privileged classes were asserted, as the

Principle of legitimacy.

sole divinely-sanctioned Government of the world, under the distinctive appellation of the principle of legitimacy. Strange, indeed, it must have seemed at that time, that Talleyrand, so long the servant of the Revolution, should now come forward as the most ardent champion of this new doctrine. And yet his conduct, in reality, was consistent. There is no other alternative, he said, 'but Napoleon and Louis XVIII. A principle, whatever it may be, is needed to give stability to the new Government; Louis XVIII. represents a principle.' His object was to strengthen the Bourbon restoration, which he sought to promote, in the interests of France, not only by extending it to Naples, but also by reinstating the king of Saxony. For the same reason he looked upon legitimacy from a purely dynastic point of view, such as dealt with public interests, simply like those of princely families, whilst the existence and historical development of nations remained altogether disregarded.

So far, this principle exactly suited the leading statesmen of the day, who sought in it at first merely a safeguard against revolution. But as the temptation to strain its application increased, they proceeded to parcel out countries among themselves, with a genuine Napoleonic disregard of natural frontiers and relations, according to the mere numbers of souls.[1] Even the Emperor Francis—that paragon of uprightness—was no more hindered by any scruples of conscience from taking back Venetia, once acquired by the shameful treachery of Campo Formio, than he was prevented, by his devotion to the Holy See, from directing all his efforts to unite the Legations with his Italian possessions.[1] And not one of the States included in the Rhenish Confederation, who survived the great crisis, ever dreamed of giving up one tittle of the spoil, which they owed to their subservience to the Usurper against their country. They accepted the principle of legitimacy in the manner that best furthered the interests of their newly-acquired sovereignty, which they peremptorily strove to guard against all limitation by the constitution of the German Confederation. Nor yet did that mysterious league of the three continental powers—the so-called Holy Alliance (September 26, 1815)—introduce any change in this respect. The only sincere promoter of that compact was the Emperor Alexander, who, under the influence of Madame de Krüdener and the philosopher Baader, saw in it the first step towards the realisation of his projects, namely, the union of the various Christian religions into one Church, and the annihilation of the Ottoman rule in Europe. Practically, the sole incident that determined the events of the period immediately following, was the agreement of the four great powers, which had broken the might of Napoleon, to maintain the state of things, as re-established after the long convulsions of the Revolution, and to put down whatever seemed to endanger it, as a menace to the peace of Europe. This leading idea

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[1] In this respect Consalvi rightly remarks: 'On espère dominer la révolution en la comprimant ou en la forçant au silence; et la révolution déborde même au milieu du congrès par des fissures que des mains trop intéressées ou trop complaisantes lui ouvrent à plaisir. Faire à chaque quart de siècle changer les peuples de maîtres, de lois, de mœurs et d'usages, n'a jamais été d'une habile et prévoyante politique.' Mem. i. p. 23. There follows, of course, a philippic against the liberty of the press, as the source of all evil.

Congress of Vienna, Sept. 25, 1814.

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[1] The real intention of Austria went still further. In a note of May 26, 1814, Metternich reminded Lord Castlereagh that the promises which England had made at Prague in 1813, to induce Austria to join the coalition, contained no stipulation for the restoration of the temporal rule of the pope. Thus, the inviolable right of Austria to that part of Italy remained, in fact, unabridged, as much because the emperor was king of the Romans as because he was the hereditary head of Germany.—Just as if Francis I. had never resigned the imperial crown!

became the programme of policy for the next ten years, adopted by the Congress of Vienna, and gave rise to conflicts with the antagonistic currents of the time. Such a change in high politics could not, even by itself, remain without influence on the relations of Church and State, although nothing was more remote from the minds of the leading statesmen at the Congress than to occupy themselves closely with such matters. Personally, they were either wholly indifferent to religious questions, or they were disciples of that philosophical doctrine of enlightenment, which desired to retain no more of Christianity than its purified system of morals. But in either case they judged of all Church questions simply from political points of view: they furthered or opposed them, according as dynastic interests determined. In disregarding the desire of Consalvi for the restoration of the German Catholic Church to her former position, no less than his demand for the re-establishment of the Holy Roman Empire; in conforming as little to the wishes of the secularised chapters, as to those of Wessenberg, who re-advanced Dalberg's project of a German hierarchy, culminating in a national primate, their leading motive lay not in any fear of a renewal of the contest between Church and State, but solely in political and material considerations.

The German sovereigns were anxious to retain the former ecclesiastical principalities and domains, as well as the possessions of the mediatised secular states; and in the settlement of the relations between the Catholic and Evangelical Churches of their dominions, by the Act of Confederation (June 8, 1815), they resented all dictation by the central power as much for themselves, as for the rights of their territorial diets. Just as the kings of Bavaria and Würtemberg resisted most keenly any restriction of their civil authority,[1] so it was due essentially to their opposition, that the proposed article on the guarantees to be granted to the Catholic and Evangelical Churches was first diluted by degrees, and finally omitted altogether from the Act of Confederation, which simply proclaimed the equality of all Christian professions in regard to civil and political rights.[2]

Restoration of Pius VII.

If, as regards Italy on the other hand, the Papal States were reconstituted within their former area (with the exception of Avignon), this result was in no way due to any peculiar tenderness for the Roman Catholic Church. Pius VII. returned to Rome, like the kings of Sardinia, Spain, and Naples to their capitals. The indignities he had suffered from Napoleon had gained for him the sympathies of the enemies of his persecutor. His passive resistance to the all-powerful emperor had surrounded him with the halo of martyrdom; his health was drunk in 1814 at a banquet in London. Consalvi, who immediately after the re-entry of Pius VII. into Rome, resumed his former place as Cardinal Secretary of State, succeeded in turning this sympathy to excellent account. That astute politician of the Curia,[3] who was not blind to the designs of Austria upon the Legations, saw clearly enough that the Catholic princes could not very well oppose the restoration of the pope, if the non-Catholic great powers recommended it. He hastened therefore from Paris, whither he had been sent to congratulate Louis XVIII. on his accession, to London, where the allied sovereigns of Russia and Prussia were staying on a visit to the Prince Regent. It was the first time since the Reformation that a cardinal stepped on English soil as an official envoy.[1] He understood how to win the assent of the Regent, Wellington, and Castlereagh to the full restoration of the States of the Church, just as he had won that of Hardenberg and the Emperor Alexander, all of whom duly considered the extreme importance of a good understanding with Rome, in regard to their relations with their Catholic subjects. Thus this question was virtually decided before the Congress of Vienna commenced. Austria, after a stubborn resistance, was compelled to give way and surrender the Legations, and merely acquired the Polesina, together with the right of garrison in Ferrara and Comachio. In his allocution of September 4, 1815, the pope expressly extolled the great services which those sovereigns, not belonging to the Romish Church, had rendered to the recognition of his rights. But although considerations of politics, in this instance, turned the scale, the importance of this event was extremely great to the Church. Pius VII.

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[1] Article XIII. provided in general terms that 'in all states of the Confederation a representative constitution (*Landständische Verfassung*) shall be established,' but left the measure of those popular rights to the discretion of the territorial sovereigns.

[2] Art. XVI. 'La différence des confessions Chrétiennes dans les pays et territoires de la Confédération Allemande n'entraînera aucune différence dans la jouissance des droits civils et politiques.' This article, like the XVIII. of similar import, was only inserted as part of the 'Particular Provisions,' appended as a second division to the Act, at the instance of Austria, Prussia, and Hanover, for the purpose of restoring the popular rights which had been so violently destroyed by the Confederation of the Rhine.

[3] 'Consalvi était l'homme de la situation. L'Italie entière le saluait comme le digne héritier de tous ces immortels génies de la politique,

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moitié cygnes et moitié renards, qui surent faire plus de conquêtes avec la parole que les batailleurs de l'épée. . . . Insinuant comme un parfum, le cardinal entama et conduisit à bien une négociation aussi épineuse. . . . ' So says his Ultramontane biographer (*Mém.* i. p. 38), and fancies he is conferring upon him great praise. He was moreover no priest.

[1] Consalvi as well as his attendants, as Capacini informed Bunsen, put on during this visit the black coat and white cravat of the English clergy. ('Bunsen's Leben,' vol. i. p. 247.)

had regained his liberty of action, and that assuredly in a manner he had never known before. When he was elected in 1800, the Legations had already been ceded by the Treaty of Tolentino. His temporal independence had been gradually curtailed, and finally destroyed, by Napoleon: the old man, worried with persecution, had himself resigned it by the Concordat of Fontainebleau. His spiritual independence, moreover, had never seemed so crushed as under the empire. By his concessions in the matter of institution, he had surrendered his sole effective hold over the hierarchy. Now, all at once, his full independence, temporal as well as spiritual, devolved on him again, and therewith the possibility of re-establishing his supremacy in the Church. When Pius VII. returned to Rome, two ways were open to him. In the Catholic Church there existed at that time an evangelical movement, represented by men like Sailer, Overweg, and others. By patronising this movement he might have brought about a genuine regeneration of the Catholic Church. The other alternative was a rigid and inflexible policy of restoration; and for this he decided. The cardinals of French sympathies, who had always been advising him to yield, fell into the background; while those who had been persecuted by Napoleon were promoted to the most important offices. The attenuated College of Cardinals was filled up in accordance with their principles; the congregations were organised anew. The High Church party of the *Zelanti* started with the notion that all the mischief which had come upon the Church arose from that rebellion against the orthodox system of the Curia, which had been fostered so widely, during the eighteenth century, by episcopacy and territorialism, and towards which the Holy See had been only far too indulgent. The regeneration of the Church, they argued, could only be effected by reverting to the prin-

Revival of papal pretensions.

ciples of Catholic dogma, according to which the Church is an independent, divine monarchy placed over the State, and entitled to demand in all cases the obedience due from her subjects to her commands. The question with them, therefore, was how to remove those ordinances of civil law which, both before and during the Revolution, had given sanction and publicity to the opposite principles.[1]

Restoration of the Jesuits, August 7, 1814.

The struggles between the secular and spiritual powers to realise and to oppose these fundamental views and their consequences make up the history of the Catholic Church, from 1815 down to the present day. The very first act with which this epoch began, namely, the restoration of the Order of the Jesuits, may be considered as an epitome of the objects now sought to be attained by Rome. In Italy, Ganganelli had been forced to yield to the pressure of the Latin States, France, Spain, and Portugal, by abolishing the Order, for the sake of avoiding a greater evil. In Prussia, nevertheless, and in the west of Russia, it had continued to flourish under the protection of Frederick the Great and the empress Catherine. In Russia, the Jesuits actually proceeded in 1782 to the election, on their own authority, of a vicar-general, without any protest from Pius VI. His successor re-established the Order in Russia in 1801, at the request of Paul I.; and there under the zealous propagandism of its friend the Sardinian ambassador, Count de Maistre and the Emperor Alexander, whom he won over, it spread considerably. In 1804 Pius VII. at the request of King Ferdinand, allowed the re-admission of the Jesuits to the kingdom of the Two Sicilies. In Austria also the emperor was inclined in favour of a similar measure, but his minister demanded such reservations as the pope declined to accept. Even before his departure from Fontainebleau he had resolved, at the instigation of the *Zelanti*, to proclaim the general restoration of the Order; and he announced this step immediately after his return to his capital, by his Bull of August 7, 1814, *Sollicitudo omnium Ecclesiarum*. Regardless of Clement XIV.'s famous Bull, *Dominus ac Redemptor*, which had solemnly abolished for ever all powers of the Order, and condemned as invalid any restoration to their former condition, Pius VII. declared that he should deem himself guilty of a great crime towards God, if amidst these dangers of the Christian Republic, he neglected the aids which the special providence of God had put at his disposal, and if, placed in the bark of St. Peter, tossed and assailed by continual storms, he refused to employ 'the vigorous and experienced powers, who volunteered their services, in order to break the waves of a sea which threaten every moment shipwreck and death.' That accordingly, he had resolved to do now what he could have wished to have done at the commencement of his pontificate, and decreed the re-establishment of the Order 'in all countries whatsoever.'

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[1] That Pius VII. shared these views from the very first, is clear from the instruction which he sent in 1805 to the nuncio at Vienna. Therein he expressly cited the rule of the canon law, 'that the subjects of an heretical sovereign remained free from all obligation of fealty and allegiance towards him;' 'We have fallen,' he complains, 'upon such unhappy days (*tempi cosi calamitosi*), and the Bride of Christ has sunk to such humiliation that it is impossible for her to execute her sacred principles of just severity against the enemies and rebels from the Faith.'

This act marks the turning point, at which the Romish Church passed at once from abasement to exaltation, from a state of defence to a state of attack.[1] Instinct with the spirit that gave it birth, the Society of Jesus had been founded, partly to combat Protestantism, partly to vindicate the absolute supremacy of the Papal See against the power of the State as of the bishops. Their opposition against Protestantism was first kept in the background after the restoration of the Order. Partly they were too much indebted to Protestant princes, openly to assail the Protestant faith: partly they were too weak for the attempt. The Court of Rome needed all its energies for the re-enforcement of clerical obedience in the Church herself; and this tendency was powerfully advanced by the general current of the times. The anti-religious elements of the doctrine of enlightenment had expended their outburst at the Revolution, but the very destructiveness of the explosion led to a reaction against the original seeds of the revolt. Persecution had purified the Church, and trained her to a consciousness of her true character and duties. Those voluptuous prelates who squandered the revenues of accumulated dignities at the Court of Versailles; those elegant abbés who employed their sinecures in playing the freethinker in the Paris salons, had disappeared. The French clergy had never been so pure in morals, so zealous in the fulfilment of their duties, as since the re-establishment of Christian worship. But with the overthrow of the old French Church, the principle of her national independence had perished. At first the bishops showed themselves compliant, nay, obsequious to the

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[1] Not less significant was the prohibition of Bible societies which followed in the Bull of June 29, 1816. They were designated as 'a pestilence,' as 'impious machinations of innovators,' as a 'crafty device by which the very foundations of religion are undermined.' . . . 'It is evident from experience,' the pope adds, 'that the Holy Scriptures,

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when circulated in the vulgar tongue, have, through the temerity of men, produced more harm than benefit. . . . It is therefore necessary to adhere to the salutary decree of the Congregation of the Index (June 13, 1757), that no versions of the Bible in the vulgar tongue be permitted, except such as are approved by the Apostolic See, or published with annotations extracted from the writings of the holy fathers of the Church.' Compare Briefs of July 29 and September 3. As a matter of course, the congregations of the Inquisition and the Index were re-established.

emperor; but in proportion as the latter interfered in the internal affairs of the Church, and endeavoured to degrade the pope into the passive instrument of his will, there arose that opposition, which called to mind that the Catholic Church could not exist without the primate, and expressed its sentiments officially at the council of 1811. Simultaneously was formed the modern Ultramontane school of De Maistre, Bonald, Chateaubriand and Lamennais, which openly combated the Gallican principles as a desertion from the true doctrine of the Church, and soon enlisted numerous disciples.

Alliance of throne and altar.

The Revolution had overthrown, together with the Church, the old system of civil polity, a rejuvenescence of which had been attempted in the eighteenth century by the disciples of enlightenment, and hence it was only natural that the restoration of both Church and State should promote a close union between the two. The restored dynasties of the south-west of Europe looked to the Church in particular as their surest mainstay in the future, and considered that their own former opposition to Rome had unchained the evil spirit of disobedience which had wrought their ruin. They forgot the weakness of the pope towards the autocrat of the Revolution, and beheld in him the natural ally of all legitimate powers. They thought that, by favouring religion—in other words the religion of Rome—they were about, as de Frayssinous declared, ‘d’élever autour de leur trône un rempart de dévouements.’ That this calculation on the part of the State was an error, the result has clearly demonstrated. The Catholic Church desires to rule alone: she has no inward leanings to legitimacy: she lives on excellent terms alike with usurpers and republicans, so long as these allow her free scope for her designs. Unfortunately, however, the latter are not usually inclined to indulge her in that manner; while the legitimate Catholic sovereigns, as well as pretenders, are generally obedient sons of the Church. It was her interest, therefore, to profit by the favourable disposition of the governments of the day; and hence the reason why the intimate alliance between throne and altar forms the most characteristic feature of the Restoration in the south of Europe.

Restoration in Spain, under Ferdinand VII.

And in the purely Catholic countries this alliance was effected without any hindrance. In Spain, for example, not only was the Concordat of 1753 revived in its integrity, but the Inquisition also was restored, which had been suppressed first by Bonaparte in 1808, and afterwards, in 1812, by the Cortes. Ferdinand VII., by a royal edict, recalled and re-established the Jesuits. He had examined, he said, the accusations against the Order, and he was fully persuaded that they were sheer calumnies, invented by the enemies of royalty and of that religion,[1] which was the first and fundamental law of his monarchy, and to defend and protect which had been the constant aim of his illustrious predecessors, thus showing that they merited the title of Catholic sovereigns, whose zeal in this respect he intended, with the help of God, to follow. The violence with which Ferdinand proceeded, provoked indeed a reaction of a strongly anti-clerical nature, which again suppressed the Jesuits, abolished all monastic orders, and applied their property to the liquidation of the National Debt. But this reaction was only short-lived: the intervention of France speedily restored the government of Ferdinand, which thenceforth exhibited, in its worst form, the union of priestly rule and civil absolutism.

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[1] 'Y de que los verdaderos enemigos de la religion y de los tronos eran los que tanto trabajaron y minaron con calumnias, ridiculeces y chismes para desacreditar á la compânia de Jesus, disolverla, y perseguir á sus inocentes individuos.' Edict, June 9, 1815.

Sardinia. Restoration of the House of Saxony, 1814.

The king of Sardinia, who, after his return to Turin in 1814, wholly ignored the interval of French domination, declared to the pope, through his ambassador, his desire to reclaim his subjects to pious obedience to Rome, to restore the former festivals of the Church, and to re-establish, and liberally to endow, the convents and bishoprics. The French Concordat of 1801, which in Art. IV. had maintained to the crown the nomination of bishops, now ceased to have effect in this kingdom. The clergy were reinstated in their privileged position before the law; and the enactments against non-Catholics were revived in all their rigour. With Victor Emmanuel the Jesuits also returned; they succeeded in influencing the whole administration of the State, and usurped in particular the control of the entire system of education.

Kingdom of the Two Sicilies Concordat of 1818.

The restored king of Naples, Ferdinand I., refused, indeed, to acknowledge the suzerainty of the pope, and to pay the tribute of the *Chinea*,[1] which bore witness to the ancient dependence of that kingdom on the Holy See; but the Concordat, nevertheless, concluded through Consalvi (Feb. 16, 1818) conceded extensive rights to Rome. The Catholic religion was declared the only religion of the realm, and was reinstated in all its rights and prerogatives. In pursuance, as was declared, (Art. III.) of the Convention of 1741, providing for the annexation of certain bishoprics, a new division of dioceses was agreed upon. The number of archiepiscopal and episcopal sees was to be increased, and endowed with a fixed income by the State, derived from landed property, and exempt from public taxes. They were to have their own chapters and seminaries, the estates of the latter to be administered according to the Council of Trent. (Art. V.) The maintenance of the parish church, where no canonical patron existed, was to be defrayed by the respective towns, either from landed property or a special rate (*vectigalis privilegiata pecunia.* Art. VII.). The king retained, but 'as a mark of special benevolence,' the permission (*perpetuum indultum*) to nominate to such sees as had previously been subject to his appointment; and an oath of allegiance was prescribed to all archbishops and bishops, abjuring all treasonable designs against the crown. (Art. XXIX.) With regard to most offices in the Church, not subject to rights of special patronage, the pope in future was to collate during the first six months of each year, and the king during the second, the presentation being always to be made in favour of subjects of the crown. On the other hand, the royal *Placet* was abolished: freedom of communication and of appeal to Rome were allowed, and all *causæ majores* were declared subject to papal jurisdiction.[1] The convents were to be re-established, so far as the means of endowment would permit. The bishops, besides having cognisance of all ecclesiastical, and even matrimonial, causes, were to punish, and if necessary, confine in seminaries and convents, all ecclesiastics who violated the laws and canons of the Church, and to censure similar lay offenders. They were also to enjoy the right of censorship over all publications containing anything 'contrary to the doctrine of the Church or to good morals.'

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[1] The white palfrey presented annually at the feast of the Ascension.

The Papal States after 1814.

That matters were conducted in the same spirit in the Papal States, may easily be imagined. Consalvi accepted, indeed, as best he could, the levelling activity of the Napoleonised government, which had abolished all the ancient municipal and provincial privileges and regulations. Not one of these was restored. There remained only shadows of municipalities: even the communal councillors were mere nominees of the priesthood. The government was organised on the model of a strict bureaucracy, but all offices were in the hands of ecclesiastics. This was not only a usurpation, according to the principles of the Restoration, but a political blunder as well. Up to 1796 several of the Roman provinces had enjoyed a considerable share of self-government under the suzerainty of the pope.[1] By administering now the papal rule according to the principles of modern sovereignty in an absolute monarchy, the subjects were provoked to demand in turn the benefits of a genuine modern administration.[2] In 1814 the whole of the *Code Napoleon*, which had been introduced some years previously, was declared to be 'for ever abolished;' and an edict of 1816 substituted the common law in its place, modified by the canonical and apostolic constitutions; but, as no one was familiar with these, an interminable confusion soon arose.[3] Most of the *Zelanti* considered even Consalvi infected with liberalism, and pursued their policy of restoration, within the limits of their own authority, with redoubled recklessness. Cardinal della Genga, as vicar-general at Rome, reimposed on the Jews the obligation to listen every Saturday to a sermon on their conversion. Every adult member of a family had to deliver to the father at Easter a certificate of confession. The lighting of streets and vaccination were prohibited as French practices. Burial in churches was again introduced, though it was admitted, on sanitary grounds, to be injurious; and even Consalvi's opposition was powerless to prevail against the practice, since the fees derived from interment brought in much money to the Church. The Inquisition, re-established in conjunction with a searching system of *espionage*,[1] restored all the Orders, and with them 1824 monasteries and 612 nunneries, in the Papal States. The religious houses and chapters received back all their property which had not been alienated, and for that which they had lost, an equivalent of 5 per cent. in the funds.

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[1] The office of royal Delegate to watch over ecclesiastical jurisdiction was abolished (Art. XXV.).

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[1] Their affairs were administered by a supreme board (*Buon Governo*) presided over by a cardinal, but which interfered but little with the local authorities.

[2] 'The structure of society in this country,' said a distinguished Roman nobleman, the Duke of Sermoneta, to Mr. Senior, 'is rotten from top to bottom. The instant the foreign element that keeps it together is withdrawn, it will fall to pieces. Formerly the Roman states formed an aristocratic monarchy. The great Roman families were the owners of the greater part of the land which did not belong to ecclesiastical bodies. The country people were their tenants, and reverenced their birth as well as their wealth. Strict entails and the celibacy of the younger brothers kept them rich. They managed the affairs of their own parishes, and, though they could not feel much loyalty towards an elected sovereign, they supported the pope as a mild though not always an enlightened governor. The French Revolution came: the pope was deposed: the Roman states became a part of France. Some of the nobles emigrated, others were driven away; those who remained were ruined by exactions and by the law of equal partition. . . . There is nothing now between the pope and the people.' ('Journals kept in Italy,' 1871, ii. 97.)

[3] Brigandage, for instance, which, under the French rule was as

Restoration in Tuscany.

In Tuscany and the Austrian possessions the work of restoration proceeded with greater moderation. The laws existing previous to 1799 resumed full force,[2] and the dependence of conventuals on their superiors at Rome—a claim which the Bourbon government had conceded to the pope—was disallowed. Although, in the grand-duchy itself, some of the religious corporations, dissolved

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good as extirpated, soon revived to a fearful extent. Wessenberg says that on his expressing to Consalvi his surprise that the government was unable to exterminate the rabble, the cardinal admitted the extent of the evil, but thought that matters in Italy would be far worse if there were not so much religion in the country! (Beck, 'Wessenberg's Leben,' p. 295.)

[1] Coppi, 'Annali,' vii. 337.

[2] These laws included the edict of Leopold II. in 1782, abolishing the Inquisition in Tuscany; the subjection of the clergy in criminal suits to the same tribunals as the laity; the removal of exemptions of monasteries from episcopal jurisdiction.

in 1809, were restored, and the conduct of education placed under ecclesiastical control, still the great mass of their former property remained in the hands of private bodies. In Lombardy the bureaucratic police government was too powerful to permit the growth of ecclesiastical independence.

Clerical reaction in France.

Far more significant, as regards the destinies of the world in general, was the course which events took in France. The Gallican principles had lost their root among the majority of the clergy, who, by their opposition to the Revolution and by Napoleon's despotism, were driven into the arms of Romanism; and this tendency was strengthened by the fact that the ranks of the clergy were being more and more recruited from the lower classes. Staunch Catholics, as the nobility still remained, they could not fail to see, that for their younger sons the chief inducements to an ecclesiastical career had vanished with the confiscation of the vast possessions of the Church. The prosperous *bourgeoisie*, enriched by the purchase of Church property, were unfavourably disposed towards the clergy. The Government itself leaned to Romanism. Louis XVIII., whose intention was to reconcile old and new France, had accepted, in the charter granted by him in 1830, the equality of religious sects, with the declaration, however, that Catholicism was the religion of the State.[1] Religious equality, thus proclaimed, was at once trampled under foot. Royalist gangs were allowed month after month to maintain, unpunished, a reign of terror against the Protestants, at Nismes and its neighbourhood. The clerical party, who abhorred equality of worship, connected with this State religion, an idea which had never been defined, the desire to abolish the Concordat of 1801, which recognised Catholicism as the religion only of the majority of the French, and to conclude a fresh Concordat in its place. Consalvi could not lightly make up his mind to overthrow his own handiwork. All that he desired was the abrogation of the Organic Articles; and he was loth to let it appear, as if the protestations of the emigrant clergy, which had always been rejected, were now being listened to. Rome consented to open negotiations, in the prospect of obtaining new and extensive concessions.

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[1] Art. V. Chacun professe sa religion avec une égale liberté, et obtient pour son culte la même protection. Art. VI. Cependant la religion Catholique, Apostolique, et Romaine est la religion de l'État.

Convention with Rome, June 11, 1817.

The Convention of June 11, 1817, after reciting in the preamble that the happy return of the grandson of Saint Louis to the throne of his ancestors, allowed a more suitable provision to be made for the government of the Church, declared the re-establishment of the Concordat of 1517, passed between Leo X. and Francis I. The Organic Articles were to be repealed, in so far as they contravened the doctrine and laws of the Church. The number of sees was to be increased from sixty to ninety: the new prelates were to be appointed by the pope, in order to avoid delay, and to receive a suitable endowment derived from real property or *rentes* of the State. The king, with a view of displaying his zeal for the Church, promised to remove, as soon as possible, whatever was opposed to her laws. The pope, in return for these concessions, granted nothing but the *prospect* of resigning Avignon for a proportionate indemnity in money. Meanwhile, the clerical reaction, by this clandestinely concluded Convention, had overshot the mark. The ministers themselves felt that they could not submit it in this form to the Chambers, whose assent was necessary to give the Concordat the force of law.

Projet de loi, Nov. 22, 1817.

A *projet de loi* was, therefore, superadded, which expressly protected the 'laws of the realm, the liberties, franchises, and maxims of the Gallican Church,' both generally and in certain specified points, such as the

Placet, the *Appel comme d'abus*,[1] and others; and provided that in no case should the Concordat prejudice the 'public rights, guaranteed by the constitutional charter,' and particularly the 'laws concerning the administration of religious persuasions, not Catholic.' The pope protested against this *projet* in a letter to the king, on the ground that whatever he had agreed upon with him, was not a proper subject for deliberation by another authority. The opposition, moreover, which arose in the Chambers, notwithstanding the appended *projet de loi*, compelled the Roman government to declare that they could not execute this Concordat.

Activity of the Parti Prêtre.

This opposition, however, did not hinder the ultra-clerical party from prosecuting with energy their designs. Their organ was the *Conservateur*, founded in 1818 by Chateaubriand, which interpreted the principle of State religion in the sense that the latter alone was entitled to rights, and must penetrate the whole of civil life; and that every compromise with the spirit of the times must lead to ruin, 'la légitimité politique amène de force la légitimité religieuse.' Lamennais declared that obedience to the State could only be revived together with obedience to the Church, the latter consisting in a complete subjection of the mind to ecclesiastical authority. The *Défenseur*, and afterwards the *Mémorial Catholique*, with Bonald, Genoude and others, attacked Gallicanism. De Maistre's works, *Du Pape* and *Les Soirées de St. Petersbourg*, became the standard of the party. They represented the Ultramontane doctrine of Church and State, with quite as much acuteness as sophistical fanaticism:[1] to their author the restoration of the plenary power of the pope over kings and nations was the condition of a rational order of the universe. Naturally, a large number of bishops protested, on behalf of the Gallican principles, against these views, but the latter, nevertheless, continued to spread. Missions traversed the country. Participation in processions became a matter of compulsion. The officers and soldiers of the garrison of Paris received a formal command to take part in the devotional exercises of the Church; and a Protestant in the department of Vaucluse, who had refused to decorate his house for the procession on Corpus Christi day, was sentenced to punishment, and only absolved by the Court of Cassation.[2] Above all, it was endeavoured to bring the whole department of education into the hands of the clergy. The National Schools were surrendered to the 'frères ignorantins;'[1] in the higher schools all teachers were removed whose sympathies were not with the new system. Royer-Collard, and Guizot had to evacuate their chairs at the Collège de France: Sylvestre de Sacy was removed from the Council of the University. The works of Voltaire and Rousseau were prohibited at the circulating libraries. Count Frayssinous, bishop of Hermopolis, and a leader of the *Parti Prêtre*, became Grand Master of the University, and afterwards Minister of Ecclesiastical Affairs, in which capacity he effected the dismissal of all those members of the Conseil d'État who were not in sympathy with the Church. The dominant party now began to refuse consecration to mixed marriages: the archbishop of Rouen declared civil marriage to be null and void, and equivalent to concubinage. Civil divorce was abolished. The poor only received public charity on production of their certificate of confession. Children were carried off, under various pretexts, from their non-Catholic parents, in order to be taken into convents, the number of which, though not permitted by the law, rapidly increased.

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[1] The *appel* was repeatedly exercised during the Restoration, namely, in 1820, against the bishop of Poitiers, who had promulgated a papal brief without obtaining the *Placet*; and in 1824 against the archbishop of Toulouse, who, in a pastoral letter, had made proposals for the improvement of worship, the reason for censure being that pastoral letters should confine themselves strictly to the instruction of the faithful in their religious duties. But no reproof was directed against the abuse of Protestants in those pastorals.

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[1] Thus, for instance, he defended the Inquisition by saying that everyone, if he had so wished, could have escaped their penal ordinances.

[2] In pleading his cause before the Court of Appeal M. Odilon Barrot caused no little scandal, by affirming that French law was of no religion (a proposition hardly tenable, one would imagine, in a country where the marriage of priests is forbidden by law). The Court of Appeal quashed the sentences against the Protestants, but Odilon Barrot was sternly taken to task by M. l'Abbé de Lamennais, then the fervent champion of Ultramontane ideas, and who was afterwards to acquire a widely different reputation. In the *Conservateur* Lamennais complained that M. Odilon Barrot had dared to plead in full court that French law was neutral between contending religions; that it protected all, and identified itself with none. The law, then, was of no religion, therefore it was atheistical. As M. Barrot observed, the term 'atheistical' was unfair, as it implies a decided belief, although a negative one. In a second appeal to the full court, however, he boldly adopted the word, and exclaimed, that the law was not only atheistical, but ought to be so, if by atheism was meant neutrality, for the law could not cease to be neutral without turning persecutor. For this language he was rebuked by M. de Serre, minister of justice, while M. de Sèze, the president (who had defended Louis XVI. before the revolutionary tribunal), was so shocked as to propose to the bench the

Law of Sacrilege.

This reactionary movement in the Church reached its climax in the law of Sacrilege. By that enactment, the robbery and profanation of churches were made tanta-

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suspension of Odilon Barrot. The bench was wiser. It rejected the proposal of the president, and once more by its judgment the highest court in France endorsed the principle for which the Protestants contended. It was not without reason that Berryer declared the French courts to have been during many dark ages of oppression the best safeguards of French liberty. They were at least the refuge of much sturdy good sense. ('Mémoires posthumes d'Odilon Barrot,' tom. i.)

[1] The National Assembly had decreed in September, 1796, that instruction should be administered universally and without payment on all subjects which are 'indispensable for the culture of mankind.' But this decree, like so many others, remained only on paper.

mount to the heaviest crimes. The stealing of church vessels was threatened with forced labour for life; the breaking into a church with death; the profanation of the sacred utensils and consecrated wafers (*hosties*) with the pains of parricide. In spite of violent opposition in both Chambers, the law was passed.

Montlosier's attack upon the Jesuits.

Although, indeed, these enactments never came to be applied, yet the limits of endurance were overstepped; and it was none other than undoubted royalists who began to make front against these intolerable proceedings. Count Montlosier came forward as their spokesman. He had sufficiently attested his sympathy with the Church by his conduct in the National Assembly; and now in his 'Denunciation' of the 'religious and political system which aims at overthrowing religion, society, and the throne,'[1] he assailed unsparingly the acts of the clericals, and particularly the toleration of the Jesuits in contravention of the law. These latter had forced themselves again into France, amidst the confusion caused by the Revolution. Through the influence of Cardinal Fesch, they had actually been allowed, in 1800, to found an establishment at Lyons, under the name of *Pères de la Foi*; and their numbers rapidly spread. Napoleon, however, expelled them again from France by his decree of 1804. Louis XVIII., although not conceding the formal re-establishment of their order, favoured them in an indirect manner; and they took advantage, in particular, of an ordinance of 1814, which abolished the supervision of the State over the minor seminaries, and gave the bishops full liberty to choose their teachers. Still more useful to them were the missions, which they turned to the most profitable account, in promoting their influence over the lower classes of the people. A number of lay congregations, affiliated to them, and headed by the leaders of the reactionary movement in the Church, supported the designs of their Order. The Minister for Ecclesiastical Affairs, interpellated in the Chamber of Peers by Montlosier, was compelled to admit the existence of the Jesuits, but he refused to take any steps whatever against them. The fearless royalist now brought the matter, by means of a formal information, before the *Cour Royale* at Paris, which, after protracted discussion, declared the continuance of the Order to be contrary to the laws, but with this lame addition, that the administration of those laws belonged to the department of the high police alone. The clerical party openly vented their indignation in the pastoral letters of the bishops, who heaped abuse upon this sentence as a triumph of wickedness, obtained by the emissaries of Satan through lies and deceit. Not only did the government find no *abus* in this, but appointed the author of the most violent of these letters, the bishop of Strasburg, tutor to the duke of Bordeaux. But this only served to excite still more the minds of all sensible men against the Jesuits. Paul Louis Courier, the most talented controversialist of French literature, attacked them with unsparing vigour. Béranger, in his 'Chansons,' launched his sharpest arrows against the league of Ultramontanism with feudal pretensions. Even the episcopate grew alarmed at the audacious attacks of the Jesuits against the Gallican principles. Amidst the cry of *A bas les Ministres! À bas les Jésuites!* the Villèle administration was overthrown.

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[1] 'Mémoire à consulter sur un système religieux, politique, et tendant à renverser la religion, la société, et le trône': Paris, 1826.

Ordinances of 1828 on education.

The Martignac ministry reformed the errors of its predecessor, by extorting from the king in 1828 two ordinances; the first of them restoring all secondary ecclesiastical schools to the control of the university, and excluding from the appointment of teachers the members of all religious societies not authorised by the

State; the second, limiting to a fixed number, 20,000, the number of pupils to be received in all the secondary ecclesiastical schools in France. The majority of the bishops loudly protested against these measures, and, like the archbishop of Toulouse, refused to obey them. But a papal Bull, approving of the ordinances as measures of internal policy, not interfering with the rights of the Church, which the government had influence enough with the Curia to procure in their favour by an extraordinary embassy to Rome, succeeded in breaking the resistance. The Jesuits quitted their schools in France, and emigrated to Switzerland.

In France the ordinances at first made the most favourable impression. But this temporary popularity soon vanished under the Polignac ministry. Nothing was more calculated to exasperate the people against that ministry than the passionate partisanship of the clergy on its behalf; and it may fairly be said, that scarcely anything contributed so much to the fall of the Restoration as its compliant conduct towards the clergy. The result of this close alliance between Church and State was, that the tide of opposition turned with equal strength against both; that the enemies of priestly rule became the enemies also of the Bourbons; and that the genuine religious revival, which had taken place after the Revolution, was quenched, as soon as the dominant party in the Church declared war against the new social system of France. Voltaire, Diderot, and Rousseau, who for many years had been forgotten, once more became popular. Caricatures, satires, dramas, and songs attacked with violence not only the priests, but religion.

Unpopularity of the clergy.

In Germany, the relations of Church and State, which after 1815 had to be entirely remodelled, assumed now a very different form of development. At the Congress of Vienna no practical result was achieved in these matters, and it was soon evident that nothing could be expected from the Federal Diet. Wessenberg, foiled at Vienna in his efforts to re-establish a united German Church upon the principles of Febronius, was equally unsuccessful in his urgent exhortations to the German princes to convene, as soon as possible, a meeting of plenipotentiaries for regulating ecclesiastical affairs, and particularly for concerting a common programme for the Concordat to be concluded with Rome. As Bavaria, in former times, had persistently opposed the projected Concordat for the empire, so it was now declared at Munich that a national Church, organised under the protection of the Bund, was incompatible with the sovereignty of the individual states. When Wessenberg thereupon warned them emphatically, that only by all the German governments holding the same language at Rome, could it be hoped to obtain there what was necessary, the Bavarian minister, von Zentner, answered, not without irritation, that Bavaria was 'big enough to have her own corporate Church establishment, and would not derogate from her own dignity in any dealings with the pope'—an assertion which was soon to be strikingly refuted by facts. From the Diet, of course, there was as little prospect of action in this case as in general; and thus the readjustment of Church affairs was restricted to the adoption of separate Concordats.

Opposition of Bavaria to a German Concordat.

Austria remained excluded from this path of action. The Emperor Francis I. was, indeed, sincerely devoted to the Church. He saw in her influence the surest guarantee for his State and dynasty, and was greatly inclined to grant to her a Concordat, which should obviate all the grievances of the Papal See, satisfy the demands of the bishops, and re-establish the unity of Church and State. But on this point he encountered the most determined opposition from his leading and most influential statesmen

Metternich opposes a Concordat for Austria.

Metternich, in particular, though wholly indifferent to religion, considered the satisfaction of Ultramontane demands synonymous with an abdication of State power. He wished as little to see the liberty of the State restricted by the domination of the priests as by that of political parties; and it was perfectly clear to him, that every increase of spiritual authority would only lead to its aggrandisement in secular matters. The Jesuits he especially disliked. To the tendencies of the emperor and court he opposed this argument, that every strengthening of Church power was only possible at the expense of the State; that every innovation in this respect must prove as ruinous to Austria as concessions to liberalism. Francis had not the energy to conquer this opposition, especially as the execution of his wishes would have rendered necessary a wide and searching legislative reform. Thus then, the principles of Joseph II. continued, at least formally, in force. The relations of the Church in the newly-acquired Italian provinces were made the subject of a special agreement with the Court of Rome, which was compelled reluctantly to make large concessions in favour of the government then paramount in Italy. Austria declined to join with the South German States in negotiating for the Concordat.

As for the other German States, the idea was wholly foreign to those times of separating Church and State in such a manner that the State should regulate, by independent and purely secular legislation, the external relations of the Church to the secular power, while conceding to her free scope for action within her proper sphere. On the contrary, all agreed in this, that the relative position of the Catholic churches in particular states could only be determined by a separate agreement with the Court of Rome. The point on which the controversy turned, was how far the government, in each case, in treating with Rome, should be able to enforce the recognition of its rights of sovereignty; and how far the Court of Rome, on the other hand, should be able to resist that demand, and to acquire the sanction of the secular power for those principles wherewith Rome intended to introduce the Ultramontane Restoration. It is obvious that the Vatican gained a firmer hold over negotiations for a Concordat, by conducting them singly with separate states, instead of with the empire collectively. The grave eventuality of a German primate seemed removed at the outset; and accordingly the regret, expressed by the pope, that a general arrangement for all the churches in Germany was impracticable, was scarcely intended in earnest.

Bavarian Concordat, June 5, 1817.

Bavaria led the way, by resuming the negotiations of 1807.[1] The instructions given to the royal ambassador at Rome held firmly throughout to the existing legislation; and by evading all questions of principle, limited the contents of the intended Concordat to the re-establishment and regulation of a new diocesan constitution for the territory then belonging to the national Church. The keynote of these transactions was the Gallican theory of territorialism, which, in respect to the institution of the bishops, went so far as to demand the concessions granted to Napoleon. The Vatican replied by simply demanding the re-establishment of the Catholic religion 'with all the rights and privileges, accruing to her by the disposition of God and in virtue of the canon law;' and the total abrogation of all the Church legislation of Bavaria by the Concordat, whose articles henceforth were to regulate, in that respect, the course of law. Hence followed, as was natural, the claim of ecclesiastical jurisdiction, the episcopal censorship of the press, the management of schools by the Church, the restitution of her rights of property, and the attendant immunities. Such a realisation, indeed, of the Curialistic system it was impossible to concede. But the ambassador, Baron von Häffelin, notwithstanding his correct views on points of principle, was personally little qualified, as a Catholic ecclesiastic, to confront the pretensions of Rome, and he had already made the most questionable admissions in her favour, when the news arrived at Rome, that Montgelas, the founder of modern Bavaria, had been dismissed through Austrian influence. Under the impression created by this event, Häffelin concluded with Consalvi a Concordat (June 5, 1817), which, in direct contravention of his instructions from home, surrendered the most important points of the autonomy of the State. Article I. secured to the Catholic religion 'all the rights and privileges accruing to her by the disposition of God and by virtue of the canon law.' It was conceded that the Concordat should annul and supersede all laws, ordinances, and decrees, relating to the Church, hitherto issued in Bavaria, in so far as they are opposed to its provisions (Article XVI.). The Concordat was to be declared a law of the State, and nothing was to be added or altered without the consent and concurrence of the Holy See (Article XVIII.) All ecclesiastical matters, not expressly mentioned in the Articles, were to be regulated and administered according to the doctrine and discipline then existing and approved by the Church (Article XVII.). These principles guided the adjustment of details; each concession to the secular power was not recognised as a right, but granted as a papal indulgence. Certainly the Bavarian ministry was not now in the mood to ratify such a surrender of sovereign rights; but quite as little was the

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[1] The history of this negotiation is described from the documents themselves in Sicherer's excellent book, sections v. and vi., which supersedes and corrects all previous accounts. See also some interesting remarks on the results of the convention in Mejer, 'Zur Römisch-deutschen Frage,' ii. 1.

Minister of Finance, von Lerchenfeld, able to carry his proposition that the conclusion of a Concordat should be abandoned altogether, unless those rights were guarded, both in general and in particular. To this the Minister of the Interior, Baron von Thürheim, and the Minister of Foreign Affairs, Count Rechberg, objected, that such proposals would never be accepted at Rome; and that the only effectual policy towards that end would be one of tacit reservation, since, as Della Genga himself had formerly declared, the Papal See might wink at the exercise of many rights, which it would never have conceded by formal agreement.[1] Alterations, therefore, might be insisted on, even in some essential points, such as, in particular, the repeal of former legislation to cases where the law directly contradicted the Concordat, and the reservation of the rights of the crown to nominate the bishops for papal confirmation. The protection of other State rights might be left to organic laws. Nothing, it was clear, could be done in the State without the consent of the sovereign; and it would be foolish also to invite the assent of the Court of Rome for the exercise of rights inherent in the very nature of royalty. This view prevailed; though the ratification was refused, on the ground that the ambassador had overstepped his powers. But the asked-for amendments were largely curtailed, and only approved after much reluctance by the Vatican, to whom a speedy conclusion was of urgent moment, as it wished to make use of the Bavarian Concordat as a means of pressure for other negotiations.[2]

It was an important victory, thus gained by Rome over the government, which had hitherto, regardless of consequences, asserted the sole validity of reasons of State. To the Catholic Church were actually conceded the 'rights and privileges accruing to her by the disposition of God and by virtue of the canon law;' and no one could doubt what was understood by that at Rome. Then, as to the bishops, though the royal right of nomination was admitted, they acquired the most absolute power of government within their dioceses. They acquired, moreover, the right of jurisdiction in ecclesiastical matters, such as matrimonial causes and questions of discipline over the clergy, together with the right of censuring lay offenders, and of demanding the suppression of all books contrary to morals or the discipline of the Church (Article XIII.), in short, general liberty to 'exercise all rights attaching to their pastoral office, whether from the declaration or disposition of the sacred canons, according to the present discipline of the Church, approved by the Holy See.'[1] Likewise, by Article XVI., the Court of Rome had procured the repeal of all previous laws, ordinances, and decrees affecting the Church in Bavaria, with the addition only of the proviso '*in quantum illi* (*sc.* to the Concordat) *adversantur.*' If now we add the dangerously elastic Article XIV., which promises that the government will tolerate no attacks upon the Catholic religion, but will command, on the contrary, that it shall be treated with peculiar reverence by all civil authorities, we must acknowledge, in comparing the Concordat with the counter-propositions of the Vatican, that, on the Roman side, all essential demands were carried through to the letter. The Government, however, was now in no way disposed, following up its policy of tacit reservation, to execute the Concordat in this sense and spirit; and thought it might appeal to the stipulation contained in Article XVIII., that the King should declare the convention a law of the state, which he could only do by upholding the rights of State supremacy, the obligations of the Act of Confederation, as well as the assurances formerly given to his Protestant subjects. Nevertheless, although no unprejudiced person can deny that such a proviso was a constitutional necessity, yet this only shows that the government ought never to have entered into any engagement, running counter thereto; and even if the Vatican admitted, that an act of State was necessary to make the contents of the treaty generally binding,[1] it was surely entitled to demand, that this Act should not contain provisions so contrary to the original terms agreed on, as to render it impossible that both should be carried out.

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[1] It was forgotten, however, that the nuncio had added, that Rome must protect all her claims in concluding concordats, so as to have on her side the letter of the treaty, and to be able, according to the circumstances of the time, to insist on its full execution. Sicherer, p. 382.

[2] The Concordat was finally ratified on Oct. 24, 1817.

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[1] Art. XII. 'Id omne exercere liberum erit, quod in vim pastoralis eorum ministerii sive ex declaratione sive ex dispositione sacrorum canonum secundum præsentem et a Sanctâ Sede approbatam ecclesiæ disciplinam competit.' (Martens 'Nouveau Recueil de Traités, vol. iii. p. 106.)

Constitutional Act of Bavaria, 1818.

While the pope now proceeded at once to execute the Concordat, by confirming the royal nominees to the vacant bishoprics, at Munich its promulgation as a law of the State was delayed. Its contents, generally known at the end of the year 1817, had been greeted by the clergy for the most part with favour, but were highly unpopular with the mass of the people. The Protestants especially were apprehensive, and with reason, for their liberty of conscience, and gave open expression to their fears. On the 26th May, 1818, was published the Constitutional Act of Bavaria, elaborated in private, immediately before the Concordat,[1] and a royal edict, regulating the legal relations of religious societies. In opposition to the Concordat, the Constitution guaranteed to all subjects, without distinction of religion, perfect liberty of conscience, and the free exercise of domestic worship. The three recognised religious bodies in the kingdom were to enjoy equal rights, both civil and political. The freedom of the press was secured, with legal restrictions to prevent its abuse. All privileges derived from rank, and all immunities from taxation, were abolished; and the equality of all subjects was established before the courts of justice and the law. The recognised churches were allowed full liberty to regulate their internal affairs, but the State prescribed a limit to that liberty, and vindicated its supreme right of superintendence, in order to prevent encroachment. Among internal affairs of the Church were included doctrines of faith, the conduct of worship, religious instruction for the people, the discipline of the clergy, and jurisdiction in purely ecclesiastical affairs. These principles, which the *Edict of religion* now elaborated in detail, were certainly worthy of recognition; they gave to the Churches concerned free scope for development, and yet guarded the necessary rights of State sovereignty; but it was equally certain that they presented a far sharper conflict with the Bavarian Concordat than the 'Articles Organiques' did with the French one. Instead of the sole right of the Catholic Church, the equal rights of the three recognised religious bodies were formally guaranteed, and to each was prescribed a policy of mutual respect. Common places of worship and burial were opened, wherever circumstances required them: the

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[1] This admission was not inconsistent with the protest of the Vatican against the deliberations on the French Concordat of 1817 in the Chambers; for Bavaria, at the conclusion of her Concordat, was still left absolute, and it was only stated that the Concordat should be *declared* by the king to be a law of the State;—'Lex Statûs declarabitur,' Art. xviii.

Edict of Religion.

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[1] The publication of the Concordat was postponed till after that of the constitution, in order to limit its application by the prior authority of the latter—a device similar to the 'Articles Organiques' of Napoleon.

promised episcopal jurisdiction was narrowly curtailed; and no ecclesiastical means of compulsion were allowed to influence in any way the civil or the social sphere. The promised freedom of communication between the clergy and Rome was restricted by the *Placet*; and instead of the episcopal censorship of books, the liberty of the press was recognised in principle. In a word, the provisions of the Concordat, so far from regulating, as was stipulated therein, all matters concerning the Catholic religion in Bavaria, were now declared valid only for her internal affairs, and even then subject to the common laws of the State

Protest of Rome against the Act and Edict.

Under such circumstances, it was only natural that the Vatican should insist on this contradiction of the Constitution and Religious Edict with the Concordat. The 'doctrinal exposition,' transmitted by the nuncio at Munich in the beginning of 1819, dwelt prominently on the fact that the Bavarian legislature, so far from giving any preference to the Catholic religion, as had been promised in the Concordat, was placing it entirely on the same level with the sects of Luther and Calvin, by accepting the three confessions as equally true. Everyone, he complained, was allowed freely to choose his creed: the religion of the children of mixed marriages was declared the subject of special agreement, in default of which the sons were to be educated in the religion of the father, and the daughters in that of the mother. Foundlings were to be educated in the religion of the place where they were found, or of the person who adopted them. What was this, but pure indifferentism in religion? *The only true religion was to prohibit its confessors from seceding to any other religious society*; *for it was never allowable to forsake truth for the purpose of abandoning oneself to error.* The Bavarian legislation not merely involved, but positively enjoined things which conflicted with the principles of the Catholic religion. The Edict was demanding an equal and mutual respect for the religious societies existing in the State: it was demanding, therefore, for the sects of Luther and Calvin precisely what was due, in reality, only to the one true religion. All these provisions, as well as the restriction of Church discipline to ecclesiastical matters, and the regulation of the *Placet*, were flatly opposed to the Concordat, which guaranteed the 'rights and privileges of the Church, according to canonical precepts.'[1] Such were the arguments of the Vatican, conveyed through the papal nuncio. And who can deny that this contradiction existed? If the defenders of the government pleaded that its object was thus attained, namely, to constitute the National Church, and that it had guarded, by these means, the rights of the State against any attack, in the dispute which arose with the Vatican in consequence of these proceedings, this plea may fairly be admitted. Nevertheless, the mode of action was certainly not honest; for although, after the negotiation was concluded, no doubt may have been entertained at Rome that the government could never cancel the rights once guaranteed to the Protestants, still the government was assuredly not justified in superadding, with regard to the Catholic religion, provisions which flatly contravened the Concordat. Politically, moreover, the proceedings of the government were a mistake; for although Rome did not venture to come to an open rupture, but receded step by step, still the contradiction was not to be removed, but on the contrary came to a head in the final act of the dispute, the Royal Rescript of Tegernsee (15 September, 1821). This instrument declared that the oath to the Constitution, demanded from the Catholics, was intended to affect them only in relation to matters of a civil nature, and imposed no obligation

Royal Rescript of Tegernsee.

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[1] Sicherer, p. 304.

contrary to the laws of God or the tenets of the Catholic Church. But this assurance was obviously irreconcilable with the Edict of Religion. Such a discrepancy in legislation is always awkward, and the government, moreover, by declaring their desire to adhere to the Concordat, gave to the Vatican the right at least to claim its literal execution, as soon as the latter considered itself able so to do. If, on the other hand, the government is excused, on the ground that no agreement whatever was practicable with the Court of Rome, except by conceding to it the expression of its principles, this excuse only demonstrates the extreme objectionableness of all Concordats. For, although even Rome may tolerate, *temporum ratione habitâ*, the open disavowal of the canon law, so long as it is powerless to do otherwise, still in the Concordat the Papal See possesses, as soon as a favourable conjunction of events occurs, the formidable weapon of an agreement ratified by, and capable of being employed against the State, while any contrary legislation may be treated as invalid.

Relation of Protestant States with Rome.

The negotiations of the Protestant Governments of Germany with the Vatican assumed a different form. Germany, even since the Peace of Westphalia, had been divided, in respect of her relations with Rome, into two parties—the Catholic, which acknowledged the authority of the Papal See, and the non-Catholic, among which that authority was virtually suspended, either because the former bishoprics were now wholly extinct, or because the Protestant character of the diocese alienated some portion of its inhabitants from episcopal control. In the latter case the bishops were still regarded by Rome as possessing plenary rights over these lost portions of their dioceses; in the former, wherever Catholicism had been entirely supplanted, the district in question was assigned to the Mission, for which permanent vicars-apostolic were appointed under the Congregation *de Propagandâ*. These conditions were now entirely changed by the Revolution. Besides the Bavarian, there was only one other Catholic dynasty, that of Saxony, which ruled over a purely Protestant kingdom. At the same time, all the Protestant sovereigns had received numerous Catholic subjects with their accession of territory; and it was obviously important to them that those subjects should not stand in future under the private and irresponsible government of vicars-apostolic from the pope.

Negotiations of Prussia with the Vatican.

Prussia, above all, felt the need of a well-regulated settlement in this respect. Her relations with Rome were no longer such as they had been in the second half of the eighteenth century, when she first acquired extensive portions of Catholic territory in Silesia and West Prussia. Frederick the Great had behaved with much liberality to the faith of his new subjects; and on the other hand, by turning to account the ideas of territorialism then universally prevailing, had experienced no difficulty in guarding the rights of State supremacy The sweeping system of secularisation, brought about by the *Recess* of the Deputation, and, still more, the acquisition of the Rhenish provinces, Westphalia, and Posen, made a re-adjustment of the relations of the Catholic Church appear necessary; and to effect this purpose, a formal agreement on certain points with the Vatican was unavoidable. The situation of Prussia was so far peculiar, that she was the most influential of all the Protestant States, and, with the exception of Austria, embraced the largest number of German Catholics under her rule. The consideration which these circumstances extorted from the Vatican facilitated, on the one hand, the work of negotiation. The latter assumed, for several reasons, a calmer and more businesslike character. In the first place, the pope could not, in this case, as with Catholic princes, appeal to the duty, binding on the royal conscience, to protect the true Faith in its inalienable rights. Secondly, inasmuch as all negotiations with Rome are questions of power, great weight naturally attached to the position of a first-class State like Prussia, whose voice, if timidly proclaimed, was still heard in the councils of Europe. And lastly, the personal gratitude to Prussia, both of the pope and Consalvi, for her support in the restitution of the Papal States, naturally produced a result corresponding with that spirit. On the other hand, peculiar difficulties beset the foremost Protestant power in Germany; and for a long time the views of her leading statesmen wavered as to the course to be pursued.[1] At first they were inclined to negotiate a formal Concordat, which should regulate the relations of the Catholic Church of Prussia; but the errors of France and Bavaria warned them of the bad impression likely to be created, if, for the first time, a Protestant State were to conclude an agreement of that kind with Rome, and one which could scarcely be effected without trenching, by equivocal expressions, too closely upon those rights of the government which it was necessary to protect in their absolute integrity. The question could not be entertained, that a government, whose legislation was based upon the National Code, should conform to the standard of the canon law, and make the substance of a civil law dependent, before its promulgation, on the sanction of the pope. Much rather should they jealously adhere to the form, that the pope, before obtaining certain exceptional privileges of ecclesiastical government in Prussia, should receive the previous permission of the king. The real interest of Prussia in a re-adjustment of her relations with the Church, was centred in the importance of extricating those relations from their previous state of confusion, and re-establishing them in a manner consistent with the new distribution of her territory. For this reason, it was important to effect an agreement with Rome, particularly with reference to fixing the boundaries and endowments of the Prussian dioceses. Thus they naturally arrived at the idea, the only one suitable to the circumstances, of a Circumscription Bull, founded on an agreement in the nature of a treaty, such as just about this time (the beginning of 1818,) Russia had concluded for Poland. From this point of view, a resort to Wessenberg's scheme of a national Church was quite out of the question. Nevertheless, in the draft of the instruction, dated May 5, 1818, we find several views of negotiation, both episcopalian and territorialistic, the former evinced by the readiness to concede to the bishops an extensive power of administration over their dioceses, the latter by the endeavours to limit, as much as possible, all spiritual jurisdictions, as, for instance, by requiring that no cause should be carried to Rome in the third resort, that the papal dispensations for marriage should be restricted to a few exceptional cases, and so on. The despatch, however, of this instruction to Niebuhr, the Prussian ambassador at Rome, was delayed for more than two years; and the latter, after having carefully surveyed the situation, addressed in October 1819 a memorandum to his government, setting forth at length what was intended to be attained, and what was attainable, by the proposed Convention. This memorandum is extremely instructive, considering Niebuhr's influential position as a politician.[1] He was far too practical a statesman not to see, that by external pressure, such as Napoleon did actually, and Austria also might possibly bring to bear, concessions might be extorted from Rome, which would reduce her hierarchy to

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[1] The details of the whole negotiation are given from State documents by Otto Mejer, vol. ii. 2, and vol. iii. 1.

Project of a Circumscription Bull.

Niebuhr's memorandum to his government.

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[1] Mejer, vol. iii. p. 1, 93 *sqq*.

a mere shadow; but that Prussia was not in a position to take that course. Everything, therefore, in his opinion, resolved itself into this question, how far the Romish principle of inflexibility could be turned to account, by convincing the Vatican that, in the event of a rupture, it would suffer more severely than the secular power. Granted, that the pope would never concede an episcopal organisation of the Church, being fully aware that the government would only employ that organisation against him; nevertheless, as Niebuhr observed in a private letter of October 1, 1815,[1] it would be equally wrong to put forward such demands with the threat, that in case the Vatican refused to allow the bishops to organise the Church as they desired, the government would break with it openly, and constitute the Church on their own authority. In proposing such a course it was left out of sight, that only a very small number of Catholics would acquiesce in such a step, and that, in many parts of the kingdom, nothing would so infallibly tend to make the subjects discontented and alienate them from the government, as this compulsory kind of emancipation.

Three cardinal points should be noticed in the agreement now sought to be effected: 1, the regulation of the ecclesiastical state in the monarchy. 2, the relations of the Catholic Church of Prussia to the Roman See. 3, the relations of that Church to the State. With regard to the first point, Niebuhr recommended a liberal endowment of the bishoprics from the revenues derived from land, and the election of bishops by the chapters, subject to a royal veto. With regard to the second, his opinion was that the government should impose no restriction on appeals to Rome, but should count it a matter of absolute indifference, whether any person addressed himself to that quarter or not, either for a dispensation of marriage or on any matter of conscience. The *Placet* might be passed over in silence, and left to be exercised at option on occasions of importance, but not so as to impede the free intercourse of the spiritual dignitaries with the Court of Rome, since indirect communication could not be prevented. Finally, he pointed out, that Rome was insisting on two articles—one, that the exercise of episcopal authority should be made conformable to the canon law and the existing discipline of the Church ; the other, that any question in dispute should be determined by a friendly agreement between the two courts. Up to this point, we can agree with the author of the memorial, with this one exception, that he describes the reference to the canon law as an article containing nothing dangerous. All the more questionable, however, appear his remarks upon the third point at issue. Intrinsically the relations of the Church to her spiritual head cannot be separated from her relations to the State ; and judging from the latest events of history, it cannot but appear a striking misconception of those relations, when Niebuhr speaks of the harmless character of the Papal Court, which could only grow more and more important, he said, until it sank to its inevitable decay. This mistaken estimate of Rome by Niebuhr serves, moreover, to explain his sanguine confidence, that the Vatican would take good care to promote no persons to bishoprics who were not in harmony with the government. Quite as little can we join with him in demanding exemption from military service for every candidate for holy orders, as well as a purely seminary instruction for priests—including similar institutions for boys—in the name and on behalf of Church liberty.

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[1] 'Lebensnachrichten,' vol. ii. p. 416.

However, this memorandum, though duly considered at Berlin, was by no means adopted in its details as the basis of instructions. On the contrary, the government adhered throughout to the idea of a Circumscription Bull, which should not have to meddle with anything that did not absolutely require the papal assent. After once Niebuhr had made himself familiar with this view, the necessary negotiations were soon set on foot, and finally brought to a conclusion, by his skilful conduct, in July 1821. The Bull *De Salute Animarum* restricted itself to a re-construction of the dioceses, to the constitution of, and appointments to chapters, to the election of bishops, with regard to whom it was promised that the person elected should be agreeable (*angenehm*) to the king;[1] and to the endowments, which were to be secured by ground rents (*census*) derived from the public forests of the kingdom. The right of the Vatican to interfere in Church legislation was not actually recognised: a Cabinet Order of August 23 conceded the sanction of the Crown, 'in virtue of, but without prejudice to, the rights of sovereignty, as well as those of the Evangelical Church, and the Protestant subjects of the realm.'[2]

Bull *De Salute Animarum*, July 16, 1821.

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[1] 'Vestrarum partium erit eos adsciscere quos, præter qualitates cæteras, ecclesiastico jure præfinitas prudentiæ insuper laude commendari, nec Serenissimo Regi minus gratos esse noveritis, de quibus, antequam solemnem electionis actum, ex canonum regulis rite celebratis, ut vobis constet curabitis.' Brief (*Quod de fidelium*, July 16, 1821) to the Chapters of Cologne, Breslau, Trèves, Munster, and Paderborn. This arrangement, which originally was not intended to apply to the Prusso-Polish bishoprics, but was extended in 1841 to the whole kingdom, secured to the crown the absolute power of veto. That power was exercised up to 1835, at first by indicating directly to the chapters the candidates who were 'agreeable,' and afterwards by erasing from the list of candidates submitted to the king the names of those who were not agreeable.

[2] The Cabinet order, sanctioning the papal Bull of July 16, runs as follows:—

'Berlin, August 23, 1821.

'Whereas the papal Bull submitted to me by you, which begins with the words "De salute animarum," and is dated Rome, the 16th of July of this year (xvii. cal. Aug.), agrees in its essential contents with

The result of this negotiation was as satisfactory, on the whole, to both parties, as under the circumstances could be expected. Pius VII. openly expressed to Niebuhr his gratitude for the manner in which the government had conducted the negotiation; and Consalvi, in a letter to Bunsen, in 1823, acknowledged the loyalty of Prussia in the execution and interpretation of the Bull. The government obtained what was of vital importance to its interests, namely, a regulated constitution of the Catholic Church,[1] involving no concession prejudicial to the sovereign rights of the Crown; and, above all, it steered clear of the policy, so peculiarly dangerous to a Protestant government, of making concessions with the

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that arrangement, which was entered into on the 25th of March of this year respecting the establishment, endowment, and limits of the archbishoprics and bishoprics of the Catholic Church in the State, and of all subjects having reference thereto, and which was already sanctioned by me on the 9th of June of this year: I will hereby give, on your proposal, also to the essential contents of this Bull, namely, to what concerns the enactments respecting things having reference to the before-mentioned subjects, my royal approval and sanction, by virtue of which these enactments are to be observed as the binding statute of the Catholic Church of the State by all those whom it concerns.

'This, my royal approval and sanction, I give in virtue of my sovereign rights, and without prejudice to these rights, as well as to all my subjects of the Evangelical Church of the State.

'Accordingly, this Bull is to be printed in the Collection of Laws and the Ministry of Ecclesiastical Affairs is to take care of its execution.

'Frederick William.

'To the Chancellor of State, Prince von Hardenberg.'

[1] The only political blunder was, that while in general the delineation of the diocesan boundaries coincided with the territorial division of the State, an exception was made in respect of Austria, on account of friendly and neighbourly relations, whereby the county of Glatz and the district of Katsch remained subject to the archbishops of Prague and Olmütz, while, on the other hand, Austrian districts continued to belong to the diocese of Breslau. An arrangement so anomalous was bound to lead to conflicts, as well for the State as for the clergy; and this result has actually come to pass.

tacit reservation of the intention to evade them afterwards by one-sided legislation.

Circumscription Bull for Hanover, March 26, 1824.

Hanover, like Prussia, had originally intended to conclude a Concordat, and that, under the influence of a former high Westphalian functionary, upon a territorial basis, such as the Vatican never could have accepted, more especially as it involved an explicit recognition of the *Placet*, and the *appellatio tanquam ab abusu*, the reference of mixed causes to a royal consistory, and the nomination by the Crown of bishops, on whom the pope was to confer institution within three months after their election. But in advancing such demands, nothing was gained but a detailed explanation from Consalvi of the reasons why the Curia could never entertain them; and after negotiations, lasting for eight years, both parties finally agreed on a Circumscription Bull (*Impensa Romanorum Pontificum*), which regulated the two bishoprics of Osnabrück and Hildesheim, their endowment and appointment, together with the relations of the chapters. A patent of George IV., signed at London on May 20, 1824, gave the royal sanction to this Bull, 'without prejudice to the rights of the crown and those of the evangelical subjects.'

Frankfort Conference of South German States, 1818.

A still more decided step in the direction of territorialism, and partly also of episcopacy, was taken by the South German Governments, which, under the presidency of Würtemberg, and in concert with the representatives of several North German minor states, deliberated at Frankfort in 1818, on the principles to be observed in dealing with the ecclesiastical relations of their Catholic subjects.[1] They began by adopting the salient points of the Austrian Church legislation under Joseph II., namely, the nomination of bishops by the Crown from a list of three proposed candidates; the institution of the person,

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[1] With regard to the whole course of these negotiations, much interesting information, according to Mejer, is given by Friedberg 'Der Staat und die Bischofswahlen,' 1874; vol. i. pp. 90–207.

Their demands from Rome.

elected to the see, within four months by the pope, and in default thereof, by the metropolitan; the exercise of the *Placet* for all official functions connected with the State; the assent of the civil power in cases of excommunication; and the strictest limitation of Church jurisdiction and influence in questions of marriage. All these principles were succinctly embodied in a Declaration, which was to acquire by papal ratification the force of an organic law of the Church. To obtain this sanction, an embassy was to be sent to Rome, with instructions, not to enter into details, but simply to submit the Declaration to the pope, so that he might 'formally recognise what the States had resolved to do in favour of those Catholic subjects, and to co-operate in the execution of those measures, in accordance with his august office.' This instrument was to be a perpetual safeguard—a *Magna Charta libertatis Ecclesiæ Catholico-Romanæ*—for the Catholics of the federate States, which should secure to them their religion and liberty of conscience, as well as the necessary regulation of their Church. For that reason it had been limited to provisions on matters wherein the governments were bound to assert their interests in external order and the common welfare of the State. For the same reason it was immutable on all 'essential points;' none but milder suggestions or alterations could be entertained.

Only a truly naïve ignorance of the situation at Rome could anticipate any success from such a course of proceeding. From the restored papacy, flushed with its recent victories in the Bavarian and Neapolitan Concordats, a few minor States were now demanding the recognition of a one-sided compact—a 'pragmatic sanction,' as Niebuhr aptly termed it—whose provisions the Court of Rome could scarcely have assented to ratify even in the days of its utmost weakness, directly opposed, as they were, to that papal system the principles of which the Vatican was then using every effort to enforce. Well might Niebuhr predict the signal overthrow of such pretensions. The ambassadors, after waiting a long time, obtained nothing but a detailed statement by Consalvi, his *Esposizione dei Sentimenti* of August 10, 1819, of the reasons why the Declaration could not, in its essential points, be accepted by the Papal Court. This document of Consalvi's was described by the Würtemberg plenipotentiary, Von Schmitz-Grollenburg, in his report, as one which 'destroyed the foundations of the German episcopate; which was attempting to force upon them the Tridentine decrees in lieu of the ecclesiastical law of Germany, and to establish papal absolutism in the States of the Confederation.' But it was clear that all this did not mend matters with Rome; for the 'ecclesiastical law' of Germany, for which the ambassador wished to obtain sole recognition, was precisely nothing more than a creature of that doctrine and one-sided practice of secularism, against which Rome had always protested. Nothing therefore was left to the minor States but to abandon, with good or with bad grace, the negotiations respecting their Declaration, and to enter upon Consalvi's ultimate offer of a Circumscription Bull; which was suggested, no doubt, by the twofold desire to restore a firm constitution to the shattered Church in those States, and to strengthen the hierarchy by extending Catholic bishoprics to territories hitherto wholly Protestant. After renewed conferences, the Governments declared to Consalvi, in March, 1821, their readiness to accept his proposal. They offered to establish and endow five bishoprics, viz. Rottenburg, Freiburg, Mayence, Limburg, and Fulda, for Würtemberg, Baden, Hesse-Darmstadt, Nassau-Frankfort, and Electoral Hesse. Freiburg was chosen as the archiepiscopal see for the whole Upper Rhenish province of the Church. The other provisions related to the election of bishops, to the Cathedral chapters, the seminaries, and other matters of that kind.

Consalvi's offer accepted.

Organic Articles privately concluded.

Simultaneously, however, with the acceptance of this offer, the allied governments concluded privately among themselves an act called the *Kirchen-Pragmatik*, which, published in each of their States as an organic statute, was intended to regulate the relations of the Church, to secure the obedience of bishops and chapters, and the most important articles of which comprised the so-called 'Instrument of Foundation' (*Fundations-Instrument*), which was to be binding on all bishops and chapters at their installation as a fundamental condition of appointment. The most essential provisions of these Organic Articles were closely allied to the Declaration, expressly repudiated by Rome. Such for instance were those relating to the mode of electing the bishops, to be nominated by the sovereign out of three candidates proposed by the chapter; to the oath of civil allegiance required from the bishop so elected before his consecration; and to the re-establishment of the original constitution of metropolitans, according to which the archbishop is to confer the institution on the newly-elected bishop, in case the papal confirmation is delayed beyond six months after his election.

Bull *Provida Solersque*, Aug. 16, 1821.

While, however, the allied States thus sought to renew the old tactics of territorialism, the Curia, on its part, essayed to anticipate the move, by meeting the above proposal of the governments with the issue of a Circumscription Bull, ready-prepared, for the Upper Rhenish province of the Church. This Bull agreed in general terms with their offers and proposals, but gave them a totally different interpretation. According to those proposals the regulations in question were to be made by the governments; according to the Bull they proceeded from the free disposition of the pope, who was entrusted by the State with the administration only of the endowment. The circumscription of the dioceses was purely geographical, so that Protestants also were made subject to episcopal control.[1] This anomaly, of course, did not escape the notice of the governments; but nevertheless the conviction was finally forced upon them, that the main substance of the Bull was to their advantage, and that, as to papal formulas, however unacceptable they might seem, no one need take any serious objection, since the validity of every Bull depended on the sanction of the civil power; and the present one, after the precedent established by Prussia, would only be promulgated with due reservation of the rights of the crown. This was to be done by the proviso, 'in so far as the Bull shall agree with the proposals, agreements, and regulations concerning the boundaries, endowment, and administration of the five bishoprics (mentioned therein), and their incorporation into a Church province, and shall ensure the co-operation of the pope for the execution of such agreements; provided always that such assent shall not be construed to apply to any other provisions, formulas, or articles of the Bull, which might interfere with the common ordinances, or with any particular law of the State.' It was resolved, therefore, without explicitly promising to accept and execute the Bull in its integrity, to inform Consalvi in reply, with best thanks for his good offices, that an official copy had been communicated to the ecclesiastical executor, appointed by the pope, for him to deal with according to his office; and that the governments would occupy themselves at once with the measures necessary to promote a confidential understanding respecting the choice

Decree sanctioning Papal Bulls, Aug. 31, 1829.

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[1] 'Supradictas idcirco civitates et ecclesias in Archiepiscopalem et Episcopales erectas, cum prædictis locis et parœciis quinque supranumeratis ecclesiis, pro respectivo diocesano territorio attributis illorum *incolas utriusque sexûs, tam clericos quam laicos,* pro clero et populo perpetuo assignamus.'

CHAP. XVIII.

of bishops. At the same time, however, the governments mutually agreed that the instrument of foundation should be prepared in terms accordingly; that the *Kirchen-Pragmatik* should continue in full force and effect, and that any supplementary questions should be referred to the 'Declaration.'

A policy so full of self-contradictions was bound to prove the source of subsequent errors. At all events, it is strange to find the Würtemberg minister, von Wangenheim, the prime manager of the whole negotiation, boasting at its conclusion of having gained, on all essential points, what Councils, the Hundred Grievances of the German Nation, and the Punctations of Ems had vainly striven to attain,—namely, the re-establishment of the episcopal system in all its fullness and dignity. The truth was, on the contrary, that the campaign, so boldly begun, had been completely unsuccessful. The governments had failed in their design to extort a recognition of their joint authority from the pope by the threat of reviving otherwise, from the last period of the empire, the scheme of a National Church of Germany. The reason why they had not ventured to break openly with Rome, after the flat rejection of their Declaration, was simply because they could not resist the conviction that a re-organisation of the utterly distracted relations of the Church could never be effected without the concurrence of the Vatican. They accepted, on the contrary, pretty much all that the Vatican offered, and then endeavoured to protect themselves by a series of one-sided and contradictory enactments. The pope no sooner heard of the *Kirchen-Pragmatik*, than he demanded its repeal, before consenting to confirm the election of the bishops. On this point, as well as on the definitive mode of nominating bishops and prebends, disputes followed, which lasted for several years, and in 1827 led to a new Bull, *Ad*

Bull *Ad dominici gregis*, April 11, 1827.

dominici gregis custodiam, which the governments again published only with reservations.

Catholicism in the Netherlands.

The Netherlands, also, as well as the Swiss Cantons, endeavoured about this time to effect a similar understanding with Rome, respecting the position of the Catholic Church. As regards the former, in the Old Provinces the public exercise of Catholic worship had been interdicted up to 1798, but had been allowed in the Southern provinces, acquired in 1648, where Catholicism preponderated. There a system of Church government continued to exist, under the Nunciature at Brussels, whose jurisdiction was extended, in the seventeenth century, to the Old Provinces, in the character of a missionary district. In these provinces Utrecht had longest withstood the invasion of Protestantism; at a later period the archbishop was obliged to remove his see to Cologne, and exercise his functions merely as vicar-apostolic. When the dispute concerning the succession to the see broke out, which led to the separation of the so-called Old Catholics, the Protestant government consented to the re-establishment of the archbishopric as well as the bishopric of Haarlem, though the concession was not recognised at Rome. The Revolution gave equal rights to the Catholics; but no reorganisation of the hierarchy was accomplished under French rule. After 1815, when the Catholic religion had become that of the large majority in the new kingdom, formed by the acquisition of the Belgian provinces, the government, in order to conciliate their new subjects, sought to effect an agreement with the Papal See for the re-organisation of the Catholic Church. They proposed to extend to Holland, with its population of 600,000 Catholics, the French Concordat, previously valid in Belgium. But this the Vatican distinctly refused. The Concordat of 1801, extorted under the pressure of circumstances, had rendered concessions necessary, for which no reason any longer existed. Rome therefore could now only negotiate *ex integro*. This, however, was rendered very difficult by the policy the government was pursuing in their legislation affecting the State Church, a policy which evoked the violent opposition of the Belgian clergy. Not until 1827 was the problem solved by the conclusion of a Concordat and a Circumscription Bull.[1] By the former the French Concordat of 1801 was extended to Holland. With regard only to the nomination of bishops, which King William I., being a Protestant, could not perform, it was agreed that the chapters should transmit to the king the names of the candidates, belonging to the native clergy, whom they proposed. If among those candidates there were any not 'agreeable' to the king, their names were to be erased from the list, and their places supplied by others, so that a sufficient number might remain for the election. Three new sees were erected, Amsterdam, Bruges and Bois-le-Duc. The bishops were to have the free nomination of their vicars-general, and the absolute control of the seminaries, which the king promised liberally to endow. The reason of this extension of authority was given in the preamble of the Circumscription Bull, which declared it expedient that the same Church constitution should extend to the entire kingdom.[2] The hierarchy was consequently re-established in the Netherlands, the pope declaring, in the Bull of August 17, 'to the honour of God and of the Mother of God, the Holy Virgin Mary, whom the Belgians particularly revere as their Patron.' But besides this, the Vatican obtained the promise, that attendance at the 'Philosophical College,' as it was

Concordat with the Netherlands, June 18, 1827.

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[1] The entire documents are given by Martens 'Nouveau Recueil' xi. p. 244 *sqq*.

[2] 'Quocirca illud in primis declaramus, ut . . . in uno eodemque regno universæ ecclesiasticæ res unâ eâdemque ratione regantur et per tractentur.'

called, which the king, following the traditions of Josephism, had established at Louvain, and which every candidate for the sacerdotal office in the Catholic Church had been required to frequent, should cease to be obligatory, the priests being now left again to fulfil their course of training in seminaries *eâ solum ratione instituendos, quam episcopi præscripserint.* Obviously, the importance of this result sufficed to outweigh the scruples of the pope against concluding a Concordat with a Protestant sovereign, and giving him the same rights, with the above exception, as those contained in the Concordat with France. The pope went so far as to allow the archbishops or bishops, after receiving canonical institution, to take an oath of allegiance to the king, swearing obedience and fidelity, and promising 'to carry on no communication, to assist at no council, to maintain no suspicious correspondence, whether within or without the kingdom, which may disturb the public peace; and to disclose to the king, their master, any intrigues against the State that might come to their knowledge.' The same oath was to be taken by the inferior clergy before the constituted civil authorities. As the king, however, promulgated the Circumscription Bull with the express reservation 'Sans approbation des clauses, formules, ou expressions qui sont ou pourront être contraires aux lois du royaume,' it never came to be executed, and the Belgian Revolution rendered the whole Concordat futile.

Re-distribution of dioceses in Switzerland.

In Switzerland, likewise, the relations of the Catholic Church seemed to call for re-adjustment. The Restoration brought about a close union between the aristocrats and the Catholic clergy, and the Romish party made use of that alliance to promote, as far as possible, the re-establishment of the hierarchical system. Before the Revolution, the Nunciature at Lucerne had been the centre of the hierarchy: the Catholic chief cantons were partly under the German bishopric of Constance, partly under the Upper-Italian bishopric of Como. Coire, though standing on Swiss soil, exercised its jurisdiction chiefly in Tyrol. The other sees were of small importance, and some of them had been entirely separated from Switzerland. The French Concordat cut off those portions of Swiss dioceses which then belonged to France, and united them with French ones; but it dissolved, at the same time, the metropolitan union of the Swiss with the French archbishops. With Wessenberg, who as Dalberg's vicar-general at Constance, exercised considerable influence on Swiss territory, the nuncio at Lucerne soon came into open conflict. The Vatican wished to free Switzerland entirely from Constance; and as the cantons concerned were striving likewise to shake off all foreign connection, Dalberg was compelled to yield, and in 1816 the separation was effected by a papal Bull. But the establishment of a national bishopric was frustrated by the jealousy of the cantons: and the project never came to common action. The ambassadors, who appeared at Rome in 1818, had no commission from the Diet, but represented only Berne and Lucerne, who were anxious to unite the Basle dioceses and the vacant Swiss portion of Constance into a new bishopric, with its head-quarters at Lucerne. Most of the other cantons, however, opposed this design: Soleure, Aargau, and Thurgau wished to transfer the see of Basle to Soleure. Schwytz, Uri, and Unterwalden disclaimed any influence whatever on the re-arrangement of the dioceses, and referred the matter solely to the pope, who at once appointed the abbot of Einsiedeln bishop of these three cantons. Subsequently, however, this was changed: the diocesan portions, separated from Constance, were divided between Coire and Basle; the former being enlarged into a double bishopric of Coire and St. Gall, which embraced, besides the Grisons and St. Gall, Schwytz, Uri, Unterwalden, Glarus, Appenzell, and Schaffhausen. The see of Basle was removed to Soleure, and received the addition of Lucerne, Soleure, Zug, Basle, Aargau, Thurgau, and the former princely-episcopal Basle portion of Berne. The remainder of the old cantons belonged to Lausanne, with which Geneva,[1] Pays de Vaud, Freiburg, and Neufchâtel were now united. The diocese of Sion alone remained unchanged.

General advantages gained by Rome.

In surveying the general results of this period of Concordats, it cannot be denied that the Vatican had gained vast concessions. It had not yet, indeed, reconquered its ancient position in the world, but it had, nevertheless, regained an amount of importance which made it necessary for all States to negotiate with Rome. Impelled by the urgent need of the governments to reconstruct the ancient constitution of the Church, so completely shattered by the Revolution, these States had been forced to accommodate themselves to agreements, in the nature of treaties, which, though not actually re-establishing the curialistic system, yet contained nothing contrary to its principles. And if the governments protected their rights by one-sided reservations and organic laws, Rome had acquired, at all events, a basis of operations, recognised by the secular powers, from which she could pursue the further re-establishment of the hierarchy.

Hierarchical reaction of the German clergy.

In Germany, moreover, the Curia was favoured in these designs by the current of the time. The large majority of the German clergy had been disposed, during the eighteenth century, towards episcopacy, and acquiesced, without any great reluctance, in the Josephist system of Church legislation. Even the circle of Münster Catholics, such as Fürstenberg, Overberg, Katerkamp, Stolberg, and the Princess Galitzin, who, like Sailer, sought to deepen Catholicism by piety of the heart, were thoroughly anti-ultramontane, as was shown by their cordial intercourse with professed Protestants. But with the Revolution and secularisation came a total change. The higher clergy, who had lost their independence together with their temporalities, and for the most part were treated rather badly by their new masters, began to feel that the only means to recover their position was to attach themselves closely to the centre of the hierarchy.

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[1] In this stronghold of Calvinism the Catholics first obtained an equality of civil rights in 1816, when the king of Sardinia stipulated the protection of their worship for the twenty-one *communes* he had ceded to the canton at the congress of Vienna.

Statement of grievances by Tyrolese bishops, 1806.

The first symptom of this tendency was given in the 'Statement of Grievances,' submitted in 1806, by the prince-bishops of Coire, Trent, and Brixen, to the papal nuncio della Genga, against the Church government of Bavaria in Tyrol. The memorialists protested against the extension of religious toleration to those countries which had hitherto remained untainted with heresy; against the abolition of the episcopal censorship of books, the withdrawal of schools from ecclesiastical supervision, the abolition of the spiritual Forum, of the immunity and clerical administration of Church property; and against civil legislation with regard to marriage. To the territorialism of Joseph II. was opposed in all its ruggedness the curialistic system, which denied to the State all legislative power in Church matters, and restricted its rights to those of strengthening and supporting the execution of the existing laws of the Church. The bishops, in close alliance with the nuncio, offered a tough resistance to the government. In the Tyrolese revolt of 1809, political antipathy leagued itself with religious embitterment against Bavarian rule; the priests preached warfare against the enemies of the Church and the

Catholic movement in Tyrol.

Fatherland. One of their most prominent leaders belonged to the order of the Capuchin Friars; and Hofer summoned all his compatriots to rise in defence of their ancient religion. His first step was to restore the confiscated property of the Church, and to place the management of the schools upon the old footing of clerical control. He suppressed all school-books which were not compiled in the spirit and according to the doctrines of the Roman Catholic Church, and filled the professional chairs at Brixen and Innspruck with men animated by the same principles. This religious movement survived even the suppression of the revolt, and found expression in the peasant-league of the 'Mannharter' in the valley of Brixen, which contested the right of the government to interfere, in any manner whatever, in the affairs of the Church.

Catholic union against Febronius.

About this time there was formed in the south of Germany a union of Catholic ecclesiastics and laymen, for the purpose of combating the principles of territorialism and Febronius. At its head were Zirkel, the suffragan bishop of Würzburg, Adam, the canonist of Eichstädt, and the canonists Stapf and Frey of Bamberg. Immediately after the fall of Napoleon they addressed a memorial to Rome, 'On the sad condition of the Church in Germany;' and the principles of this league were espoused also by those who in the first instance had appeared at the Congress of Vienna, though without any special credentials, as the representatives of the German Catholic Church. They called themselves 'Orators' (*Oratoren*): they were in close alliance with Consalvi; and were accredited by the pope as agents for the Catholic Church in Germany. They demanded the restitution of all the ecclesiastical possessions not yet alienated, together with compensation for the rest; the endowment in landed property of bishoprics and benefices; but, above all, the reinstatement of the Church in her inalienable rights of government, and the regulation of her position towards the State on the principles of the canon law. They obtained, indeed, nothing positive in this respect, although Frederick Schlegel worked zealously to secure the incorporation in the Act of Confederation of a guarantee, such as they desired, of the rights of the Catholic Church and of a constitution framed in conformity with those rights.

Wessenberg's attempts at Church reform.

Equally unsuccessful, on the other hand, were the efforts of their episcopalian opponent, Baron von Wessenberg. As vicar-general of Dalberg at Constance, he had gained distinction by his beneficent reforms, and by his revival of interest in the Church and of a spiritual form of worship. By a series of ordinances[1] he had introduced the German language into the public services of the Church, circulated the Bible, improved the system of education, corrected the abuses of image-worship, and the lax morality of the clergy, curtailed the excessive number of holy days, and revived the old practice of pastoral conferences.[2] But these very measures brought him into conflict with the papal nuncio at Lucerne, with regard to the Swiss portion of his diocese. Two acts in particular led to an open censure from the pope; the first being his agreement with the government of Lucerne in 1808 to establish a seminary, the second his grant of an indulgence to the city, dispensing with fasting on Sundays from the high price of the articles of food used in fasts. But his projects of Church reform went beyond the mere removal of notorious abuses.[1] His study of Church history had led him to perceive, that the essence of Church government consisted in treating all ecclesiastical matters in 'well-ordered assemblies of all the members of the community;' that the primacy of the Roman pontiff was in no way based on divine institution but on historical development; that the principles of the Councils of the fifteenth century were the true principles of the Church; that the Tridentine decrees were the result of the lamentable reaction against the Reformation; and that the only legitimate unity of Catholicism consisted in the continuity of the faith transmitted by the Church, not so, indeed, as to preclude further progress and development, but to take its measure from the decision of collective Christendom and its legally-constituted assemblies. The incongruity of this theory of liberal Episcopalism with the historical facts of Catholicism has already been demonstrated. Nevertheless, Wessenberg hoped to realise it by means of a German National Church, and to attain that object he was co-operating zealously with Dalberg. After the fruitless termination of the Paris Council, he addressed himself to the Congress at Vienna with a memorial on the reform of the German Church. But while his antipathy to Ultramontanism made him recognise all the more clearly the dangers consequent on its revival, he met with no hearing from the statesmen assembled at Vienna in his efforts to make his plans of reform a national cause. Even the guarantee of the Confederation, which in characteristic manner he restricted to the Catholic Church, was never obtained.[2]

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[1] These ordinances, extending from 1801 to 1827, are given in the 'Sammlung Bischöflicher Hirtenbriefe und Verordnungen seiner H. d. D. Fürsten-Primas d. Rheinischen Bundes, Bischof zu Konstanz. Für das Bisthum Konstanz,' 1808–1827; 2 vols. One ordinance forbids the clergy to frequent wine-houses and carry 'shillelahs'—'quæ cum Herculis clavâ comparari possent.'

[2] 'Archiv für die Pastoral-Conferenzen in den Land-Kapiteln des Bisthums Konstanz.' Freiburg, 1822–1825.

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[1] Compare Beck, Wessenberg's 'Leben und Wirken,' Freiburg, 1862 —a work, however, very obscurely and very partially compiled.

[2] The guarantee was to have run thus:—'The Catholic Church in Germany shall receive, under the guarantee of the Confederation, a constitution securing her rights and the means necessary for supplying her requirements.'

That his aspirations after unity by the negotiation of a German Concordat, and by the regulation of Catholic affairs 'according to the purified principles of the Councils of Constance and Basle,' met with no better success, has already been mentioned; and we have noticed the defeat of the governments of the Upper Rhenish Church-province who were under his influence. All these efforts necessarily brought him into conflict with the restored papacy. Appointed vicar-general by Dalberg in 1814, when the separation of the Swiss portion of the diocese took place, his dismissal was demanded by the pope in a Brief (November 2, 1814), suppressed by Dalberg,[1] who in the next year formally presented him as his coadjutor and successor to the bishopric. After Dalberg's death in 1817 the Chapter appointed him capitular-vicar or administrator of the diocese *sede vacante*; but no sooner had his appointment been notified at Rome[2] than a severe reprimand was returned from the pope, rejecting Wessenberg *ob gravissimas causas*, and commanding the Chapter to make a worthier choice. The Chapter wrote back a spirited defiance; and the pope, who had begun by ignoring, now tried to coax the grand duke of Baden with a view to obtain his sanction to the dismissal of Wessenberg, against whom, as he alleged, and against his 'erroneous doctrines, evil example, and audacious opposition to the commands of the Apostolic See,' complaints had been transmitted from the

His quarrel with Rome.

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[1] Wessenberg himself declared afterwards, in a letter to Consalvi, that neither he nor the Chapter knew anything about this brief until after Dalberg's death, when it was found among his papers. For the correspondence and other documents in this controversy see appendix to the official 'Denkschrift über das Verfahren des Römischen Hofes,' translated under the title of 'Wessenberg: Reformation in the Church of Germany.' London, 1819.

[2] This act was superfluous, not being required by the Council of Trent, and impolitic, for it was done without informing the grand duke.

whole of Germany.[1] But he received a peremptory and angry refusal. The excitement produced by this controversy now induced Wessenberg to go to Rome, there to justify himself in person against all accusations. That his errand indeed would be fruitless was certain from the very first, and the grand duke, while encouraging the step, confessed he had small hopes of its success. No notice was taken of him for seven weeks after his arrival; and when at last he received a letter from Consalvi, it was plain that what the Curia demanded from him, as from all refractory members of the Church, was absolute surrender and retractation. Advances, indeed, were made to him on the point of form, and Rome would have been satisfied with a general declaration of obedience, nay, in that case, would have consented even to confirm him. But Wessenberg trusted too much to the weight of his name and personal character, and refused to abandon his plans of reform, though he might have told himself how his appeal to the rights and liberties of the German Church must be received at Rome. He returned, indeed, to his diocese for a while, where he was inundated with addresses complimenting him on his conduct, and, like Archbishop Codde at Utrecht, presented the spectacle of a bishop, who acknowledged the general authority of the Papal See, holding office in express defiance of the pope. The grand duke of Baden, who had espoused his cause from the first, endeavoured to support him now, and addressed a memorial[2] on his behalf to the Diet. But there the matter rested. The echo of his panegyrists, who published his praises in a multitude of pamphlets, died away. With the change of government an unfavourable reaction set in against him at the end of 1818, even at the Court.

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[1] Brief of May 21, 1817, in 'Reformation in Germany,' pp. 2, 3.

[2] See the memorial (*Denkschrift*) in the 'Reformation in Germany,' *ut supra*.

The efforts of the clergy, who were devoted to his cause, to obtain for him the archiepiscopal see of Freiburg, were baffled by the refusal of the pope to institute him; and when in 1827 the reconstitution of the Upper Rhenish Church province was finally ratified, Wessenberg resigned his appointment as administrator at Constance.

Thus terminated the active ecclesiastical career of this talented and well-intentioned man, who presents an additional example of the impossibility of reforming the Catholic Church.[1] In saying this, we have certainly no intention to deny that Wessenberg exercised an important influence, and possessed numerous adherents among the German clergy themselves. The principles of Febronius were still powerful, but so far from being universally paramount as before, they were now gradually losing ground. Moreover, the opponents of Wessenberg, such as Frey and Zirkel, did not preach simply the curialistic system, but exposed with striking force the impracticability of his plans, and in so doing met with wide-spread sympathy. In Bavaria the clerical movement, stimulated by the strenuous opposition of the Crown Prince to the police system of government, vigorously asserted its power. The prince-bishop of Eichstädt and the archbishop of Bamberg complained, on the promulgation of the Edict of Religion, that 'the sworn enemies of our holy religion had succeeded in shaking the pillars and the fabric of Church government, and making the power, granted to the bishops by Christ Himself, dependent in future on the secular government.' At the command of Rome, numerous ecclesiastics refused to take the oath of allegiance to the Constitution; and many of them took it only 'with the reservation of the rights and laws of the Catholic Church, the pope, and the bishops.' This movement gained support from the tendency, then prevalent among the flourishing school of the Romanticists to idealise the Catholic Church, as regards its history, its worship, and its doctrine, by ignoring the evils of the present situation, and glorifying the splendour of mediævalism. Adam Müller, in his politico-theological writings, attempted to show that true liberty was realised only in the institutions of a feudal state. Frederick Schlegel, in the same spirit, eulogised imperialism and the papacy. The former he demanded as the realisation of the ideal Christian State, which, from its nature, must be a constitutional monarchy. The pope he calls the 'vigilant Tribune of the people of Christendom,' on behalf of all who are oppressed. The restoration of Church independence is, in his view, the only safeguard against revolution.

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[1] There is no occasion to speak here of Sailer, the most eminent and the noblest of the Catholic teachers of that day, for he did not interfere in questions of Church and State.

Romantic school of Catholicism.

In close connection with this Romantic, was the Historic theory of Catholicism, which regarded Protestantism as the beginning of revolution, and the Romish Church, resting on the rock of Peter, as the only sure anti-revolutionary support. This theory it was that induced a number of Protestant jurists and politicians,—men like Haller, Jarcke, Philipps, and others, to go over to the Catholic faith, just as the Romantic theory had attracted Stolberg, Schlegel, and, amongst several other men of art, Overbeck and Veit.

The *Historic* school.

In the treatment also of ecclesiastical law a revolution now occurred, and a rupture with the views of Febronius. The first sign of this change was given by the 'Manual of Ecclesiastical Law' of Walter, which appeared in 1822, and exerted afterwards such an active influence on thought. The leading publicistic champion of the whole movement was Görres. Himself a former pupil of the school of revo-

Ultramontane doctrines of Görres and Droste.

lution and of bitter hatred against the Church, the fiery eloquence of his *Rhenish Mercury* aroused the national sentiment of Germany during the War of Liberation with Napoleon. The reaction suppressed his journal, and brought him into more and more vehement opposition to the bureaucratic Protestant government, which finally compelled him to leave the country. In his mystico-prophetic work 'Germany and the Revolution,' he denounced in the warmest language the subjugation of the Church by the civil power. If in former times the champions of liberty had sided with the State against the hierarchy, it was now their turn to interfere on behalf of the Church, so shamefully oppressed, and to rescue her from the thraldom of civil aggression. Arbitrary power was bound to succumb before the phalanx of the hierarchy and its head. As yet, however, Görres appears far from an orthodox disciple of the Curia. His indignation against political disunion and oppression made him see in Church domination the only refuge for mankind; but the consistent development of these views was bound to lead him gradually to Ultramontanism, whose organ, in fact, the *Catholic* became. Closely allied with Görres was Clement von Droste, then vicar-general at Münster, who in 1817 had violently denounced the *Placet*, and in 1820 on his own responsibility forbade the clergy of his diocese to attend the University of Bonn, where Hermes was then teaching. On being called sharply to account by the government for this act, he answered that the Church repudiated altogether, for herself and her constitution, all authority or influence of the secular power.

Weak policy of the Prussian government.

It would undoubtedly have been easy at that time for the Prussian government to win over the majority of the Catholics. Hermes and his school controlled the Catholic faculty at the University of Bonn, and, through that, the education of the Rhenish clergy. Ecclesiastical law was represented by Droste-Hülshof, a man of Gallican sympathies. The archbishop of Cologne favoured this tendency in every way, and appointed Hermes a member of the Commission of Examinations, and an honorary prebendary. He himself was a thoroughly moderate man, and seriously endeavoured to maintain a good understanding with the government. With a view to prevent denunciations by the clergy, he forbade them to correspond with foreign bishops. He resisted the attempt to re-establish all the old festivals; he interdicted pilgrimages to distant parts, and the pomp and parade of images of saints at processions; and directed all his energies to the proper training of the clergy. It is readily intelligible that such a course of discipline was eminently distasteful to the Ultramontane party, which from the first had confronted the Protestant government with hostility. But that party was then still limited in numbers and influence. The urban populations in particular had been trained in the principles of Josephism, of the Revolution, and of the Empire; and the government could easily have gained them over by satisfying their just political demands. But this very concession was stubbornly refused, and attempts were made to reconcile the Ultramontanes by a policy of indulgence. The consequence was, that the natural allies of the government were repelled, without the other party being conciliated; since the Ultramontanes, so far from being grateful for concessions, made them only the starting-point for fresh demands. Already, before the conclusion of the Concordat, difficulties arose at Aix-la-Chapelle between the clergy and the civil power with regard to mixed marriages, which evoked an order from the king (March 1, 1819) declaring that 'the proceedings of the Catholic clergy were contrary to the principles of the royal government.'

Similar things were seen in Silesia, where, among a

Catholic reaction in Silesia.

mixed population of Protestants and Catholics, an undisturbed religious peace had reigned since the annexation of that province to Prussia.[1] With regard to mixed marriages, after an energetic protest from Frederick II. against the demand of Rome to make the Catholic education of the issue of such unions a condition of dispensation, a *modus vivendi* had been privately sanctioned in 1777, allowing the clergy—'dissimulatione quâdam ubi impune grassantur hæreses'—to proceed in all cases according to local relations. The clergy, indeed, were attached to a mild system of episcopal administration: they embraced the system of Fénélon, Pascal, Sailer, Overberg, and others of like opinions. Their leading members were on terms of friendly intercourse with professed Protestants; and there were no apparent symptoms of a conflict with the government. Matters affecting the churches and the schools were dealt with by Protestant and Catholic councillors in common, under the presidency of the civil governor of the province. The gymnasia, the seminaries, and all affairs concerning the whole province were supervised likewise by the same authorities without any distinction being had of creed; and with all their differences of opinion, the several parties agreed in the conviction that the most favourable results were attained in the safest way by an emulous and peaceful co-operation. The spirit of Silesian Catholicism is best reflected by the 'Diocesan paper for the diocese of Breslau,' which laid especial stress on the importance of infusing life into the common worship of clergy and laity, and recommended for that purpose the introduction of the German language, and the spread of the Bible. But with the restoration of the papacy, and more particularly with the promotion of Schimonsky in 1817 as prince-bishop of Breslau—a man who had been trained in the 'Collegium Germanicum' at Rome—a reactionary spirit began to prevail; and extraordinary indulgences, the increased veneration of saints, more constant pilgrimages, and the prohibition of the Bible were now the order of the day. Against these innovations a memorial, signed by eleven parish priests, was presented (November 2, 1826), to the prince-bishop, setting forth the unsatisfactory state of the Church in Silesia, and praying for some reforms in the liturgy and ritual, and above all for the performance of services in the language of the country. This memorial was published soon after with additions in an anonymous book entitled 'The Catholic Church, especially in Silesia, represented in its failings by a Catholic Priest,' in which the author, who was well known to be Father Theiner, laid bare the shortcomings of clerical management in the seminaries and national schools, and ventured to criticise the compulsory celibacy of priests.[1] The prince-bishop issued a sharp pastoral (January 18, 1827) against these 'intrigues,' as he termed them, which he sought to fix upon the memorialists, and threatened with ecclesiastical penalties any arbitrary innovations in worship and ritual. An humble appeal, addressed immediately to the sovereign by a number of Catholic land-owners and clergy of Silesia, and recommending similar reforms, merely met with the reply that the Crown could not enact any

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[1] What good relations existed between Protestants and Catholics is shown by the circumstance, that at Brieg, when in 1809 the introduction of the new municipal constitution was celebrated by a festive procession and a solemn service in the Protestant church of St. Nicholas, some of the Capuchin monks, then not yet secularised, took part in their robes of office at the solemnities at the altar.

Schimonsky and the memorialists of 1826.

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[1] 'Die Katholische Kirche, besonders in Schlesien, in ihren Gebrechen dargestellt, von einem Katholischen Geistlichen.' Altenberg, 1827. The English reader will find its contents set forth in the 'Foreign Quarterly Review' of that year (vol. i.).

changes of worship, but that the memorialists must apply to the prince-bishop. Encouraged by this vacillating conduct of the government, Schimonsky proceeded with his penalties against the memorialists, and deprived two of them of office. President Merckel, the civil governor, took these under his protection, and submitted to the king a report on the situation.[1] He demonstrated therein, that although circumstances were not ripe for the introduction of the German language in public worship—desirable in itself as such a change undoubtedly was—yet the government was in duty bound not to encourage, or even to tolerate any persecution of the pretended innovators, since such conduct would estrange the clergy and schoolmasters from all spiritual activity, would make both the absolute creatures of Rome, and would deprive the government of all influence over them. Merckel recommended, as a positive measure of relief, that the Catholic seminaries for primary instructors[2] should be placed under the special supervision of the provincial authorities, and a higher standard of qualification required from the teachers; that their appointment by private patrons should be confirmed by the government, who should grant subventions for new schools in poor communities, special attention being paid to the training of the clergy themselves. He proposed that no pupil should be admitted to study theology, until he had passed a prescribed examination; that a general education should be required from the students themselves; that the seminaries for priests should be raised to a higher

Report of President Merckel.

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[1] It was published in the 'Zeitschrift für Preussische Geschichte und Landeskunde,' May, 1872, p. 270.

[2] 'Schul-lehrer-Seminarien,' corresponding with the 'Écoles Normales' in France. The discipline and management of these institutions in Prussia, which were due to the necessity of a constant supply of trained school-masters, were regulated by the law of 1819 (tit. iv.). (See Cousin's 'Report on Public Instruction in Prussia,' 1831—Mrs. Austin's transl.).

standard of efficiency, and that none but really eminent men should be appointed prebendaries. It is not clear that the cabinet followed out these suggestions. The prince-bishop, on the mediation of Bunsen and Count Sedlnitzky, a Silesian nobleman and Schimonsky's immediate successor, consented to stay his penal proceedings against the memorialists. But the movement nevertheless was broken.

During the ten years after 1820, a good understanding on the whole was maintained in Germany between the government and the Catholic Church. The latter was conscious that she was not strong enough for attack; but she prepared herself for it by setting her house in order and organising her forces.

Ultramontane progress in the Netherlands.

In the Netherlands also Ultramontanism raised its head. The clergy, incensed against King William by their exclusion from the monopoly of education, took advantage of the popular discontent excited by his measures of State, to push their own pretensions. When by a trick of political arithmetic the king had secured the necessary votes for the new Constitution (August 24, 1815), the bishops of Ghent[1] and Tournay protested against its grant of liberty of conscience and equality of rights to the various confessions, and forbade the oath of allegiance to the constitution to be taken in their dioceses.

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[1] Mgr. de Broglie declared in a pastoral that the equal liberty conceded to all religions exposed the Belgians to the admission of the lamentable principle, that all religions were equally good, and that salvation could be attained through one as well as through another—a notion wholly alien to the spirit of the Catholic faith. The admission of all subjects to all offices might result, he said, in 'incurable evils for our holy religion,' since, in that case, posts of importance might be filled by non-Catholics. William I., however, took a somewhat ungenerous revenge for this opposition, by making the publication, two years afterwards, of two papal Bulls without the royal *placet*, the pretext for bringing the offending archbishop before a jury, and ordering the sentence, which was one of deportation, to be nailed to the pillory in his absence.

The government maintained towards them a feeble, yet offensive attitude. It adopted the policy, so suicidal in earlier times to Joseph II., of giving an anti-Catholic character to the whole system of education. Thereupon, its opponents proceeded to organise clerical seminaries,[1] and finally compelled the king to surrender, in the Concordat of 1827, the obligatory attendance of theological students at the colleges of the State. The government now allowed the oath of allegiance to the Constitution to be taken by Catholics with sophistical reservations; but at the same time they openly supported the *Sentinelle*, the scornful assailant of the Catholic religion; provoked the Liberals as well as the clergy by petty administrative measures and vexatious prosecutions; systematically ignored all Belgians in the promotions to high offices of State: and thus aroused the hostility of the whole nation.

Catholic emancipation in Great Britain.

Catholicism gained its most important victory at the end of this epoch by its emancipation in England. The Union with Ireland brought the question into prominence. Pitt, who in carrying out the Union had derived his chief support from the Irish Catholics, had seen the anomaly of excluding three-fourths of the people of that country, on the ground of their religion, from the common legislature; and had intended, if not actually promised, to follow up the Union by a measure which should give to the Catholics those rights under the British, which he had given them under the Canadian constitution.[2] But his proposals were shipwrecked by the obstinate resistance of George III., whose scruples of conscience, carefully nursed by Lord Eldon, saw in his coronation oath an insurmountable obstacle to all concession, and who declared that he would regard as his personal enemy anyone who proposed a measure of that kind.[1] Scarcely had the Imperial Parliament assembled than Pitt resigned, and on his resumption of office in 1804 he carefully abstained from bringing forward the question. Year after year, however, when Pitt was removed, the subject was revived by Grattan, but only to be rejected; and even statesmen, who half sympathised with the justice of the Catholic claims, voted against them as premature. Notwithstanding the menacing progress of discontent in Ireland, which caused the Insurrection Act to be put in force in 1815, the stubborn Tory ministry under Lord Liverpool turned a deaf ear to all measures of relief. Under the brief administration of Canning, who had favoured their demands, the Catholics remained comparatively quiet; but when the duke of Wellington became prime minister in 1828, the violence of popular agitation, inflamed by the Catholic Association and O'Connell, who was returned as member for Clare, brought the country to the verge of rebellion, and made further resistance too perilous to be entertained. The Corporation and Test Acts were repealed in 1828, a declaration 'on the true faith of a Christian,' so as to exclude the Jews, being substituted for the Sacramental test. When Parliament met in 1829, the Speech from the Throne recommended in general terms the removal of

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[1] An ordinance of June 20, 1829, allowed Catholic bishops to reopen their seminaries subject to certain regulations prescribed by the king. The Concordat, without openly enacting freedom of education, declared it to be a 'constant object of the care of government.'

[2] Goldwin Smith's 'Irish History and Irish Character,' 1862, p. 186. The project of Union sent by his cabinet to Lord Cornwallis recited in Article iv.: 'All members of the United Houses to take the oaths now taken by British members, but such oaths to be subject to such

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alterations as may be enacted by the United Parliament.' ('Correspondence,' ii. 436.)

[1] A bill introduced in 1807, for admitting Catholics to hold higher commissions in the army and navy, was withdrawn by the ministers out of deference to the king. It was carried in 1817.

Catholic Relief Bill, 1829.

Catholic disabilities; and these assurances were followed up directly afterwards by the Catholic Relief Bill. The time was indeed critical. In the Lords the duke of Wellington frankly confessed that the choice lay between concession and civil war. 'I am one of those,' he said, 'who have probably passed a longer period of my life engaged in war than most men, and principally, I may say, in civil war; and I must say this, that if I could avoid, by any sacrifice whatever, even one month of civil war in the country to which I am attached, I would sacrifice my life in order to do it.'[1] The bill, introduced into the House of Commons by Mr. Peel—the real author of the measure—passed the third reading by a majority of 178 in a house of 462. Catholics were admitted to parliament and to all offices of State, except those of regent, lord-chancellor of England and Ireland, and viceroy of Ireland, on taking an oath, proposed in place of the oath of supremacy, to support the existing institutions of the State and not to injure those of the Anglican Church. The securities to be demanded from the Catholics—so often the subject of former debates—were now reduced to more modest proportions. The Catholic bishops were forbidden to assume the titles of existing sees; and no insignia of office were to be displayed in any place of worship but those of the Established Church. No more Jesuits were to be introduced into the country; those already there were henceforth to be registered. Peel rejected the plan of a Concordat, on the ground that it would never lead to a sincere union. He refused also to give the Catholic clergy a State salary: they were simply placed on the same footing as Dissenters. The bill, with these securities, passed the Lords by a majority of 213 to 109, and on April 14, 1829,[1] received the grudging and reluctant assent of the king.

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[1] See his remarkable Memorandum of 1825, advocating the removal of all civil disabilities from Roman Catholics, and refuting the historical argument in favour of excluding Catholics from the privileges of a Protestant Government. Wellington's Correspondence 1819–1825, vol. ii. p. 595 *sqq*.

One must undoubtedly agree with Peel that the Act was not only a measure of justice but an imperative necessity. 'I have for years,' he said, 'attempted to maintain the exclusion of Roman Catholics from parliament and the high offices of the State. I do not think it was an unnatural or unreasonable struggle. I resign it in consequence of the conviction that it can be no longer advantageously maintained; from believing that there are not adequate materials or sufficient instruments for its effectual and permanent continuance. I yield therefore to a moral necessity which I cannot control, unwilling to push resistance to a point which might endanger the establishments that I wish to defend. . . . When the Roman Church,' he concluded, 'despises equality, and will only be satisfied with domination, then the battle, if inevitable, will be fought for other objects and with other arms. The struggle will be—not for the abolition of civil distinctions—but for the predominance of an intolerant religion. I contemplate the progress of that struggle with pain; but I look forward to its issue with perfect composure and confidence. We shall then have dissolved the great moral alliance that has hitherto given strength to the cause of the Roman Catholics. We shall range on our side the illustrious authorities which have heretofore been enlisted on theirs;—the rallying-cry of "Civil Liberty" will then be all our own. We shall enter the field with the full assurance of victory—armed with the consciousness of having done justice and of being in the right.'[2] Noble words! and such as all will surely

Emancipation deferred too long.

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[1] Hansard, 'Parliam. Debates,' 2nd. Ser. xxi. 614-694.

[2] Hansard, March 5, 1829.

re-echo. But equally sure it is that the measure has not fulfilled its proper object, namely, the conciliation of Ireland. It came, like so many reforms of that period, too late, and was only wrung from a reluctant government by the fear of rebellion. Had Emancipation been granted with the Irish Union, Ireland would have been spared a bitter and an angry struggle, which rallied the whole Catholic population in common hatred against the government, and bound them in the chains of a priestly tyranny, which from that day to this has never been broken. Emancipation thus became merely the starting-point of a new Ultramontane movement in England, and of fresh struggles with Ireland. Above all, the 'Irish vote' in the House of Commons, henceforth almost exclusively Catholic, and siding alternately with either party, according as Ultramontane interests dictate, has added materially to the difficulties of parliamentary government.[1]

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[1] A remark of Goëthe's on this subject is very characteristic. When M. Coudray, the architect, observed to him that parliament would affix so many conditions to Catholic emancipation that it would never become dangerous for England, he replied, 'With Catholics all measures of precaution are useless. The Papal See has interests beyond what we imagine, and means to enforce them silently, of which we have no idea. We shall not have any clear knowledge of the Irish affair, for it is much too complicated. But this much we can see, that the country suffers from evils which cannot be remedied by any measures, and therefore, not by emancipation. If it has hitherto been a misfortune that Ireland had to bear her evils alone, it is now a misfortune that England also is drawn into them.' (Eckermann, 'Gespräche,' ii. 67–76.)

CHAPTER XIX.

THE STATE AND THE CATHOLIC CHURCH FROM 1830–1848.

Effects of the July Revolution—Italy: Insurrection of the Legations—Memorandum of the Great Powers—Integrity of Papal States guaranteed—Papal misgovernment and Priestly rule—Spain: Progress of Ultramontanism—Belgium: Revolution of 1830—Union of Catholics and Liberals—Clerical ascendency—The Union dissolved—France: Popular reaction against the Clergy—Disturbances in Paris—Timidity of the Government—Anti-Clerical Legislation—Liberal Catholic movement—Lamennais and the 'Avenir'—Catholicism incompatible with Civil Liberty—Conduct of Education demanded by the Clergy—Aggressive Attitude of the Jesuits—Ireland: The Tithe Grievance—Question of Appropriation—Further Concessions to Catholics—Germany: Growing dislike of Ultramontanism—Austria: Ultramontane Progress under Ferdinand I.—Re-admission of the Jesuits—Mixed Marriages in Hungary—Prussia: Dispute with Rome respecting Mixed Marriages—The Archbishop of Cologne and the Government—The Contest repeated in Posen—Triumph of the Vatican—Germany: Ultramontane Progress in Bavaria—The 'Holy Coat of Trèves'—German Catholic Movement under Ronge and Czerski—Switzerland: Contest between Liberals and Ultramontanes — Catholic League of 1831 — The Jesuits invited to Lucerne—War of the Sonderbund—Victory of the Liberals—Italy: Election of Pius IX.—His Political Reforms—Early Signs of Ultramontanism.

CHAP. XIX.

Effects of the July Revolution.

THE July Revolution burst the bond between throne and altar, which to the Bourbons and ultra-Royalists had seemed the surest guarantee of restored legitimacy. The Restoration had to make the bitter experience, that precisely such an alliance served only to engender among the *bourgeoisie*, who, in consequence of the rapid strides of material prosperity, were becoming daily a more powerful factor in political life, the apprehension of a twofold servitude. While the government, therefore, on many points in contradiction to the law, favoured in the most marked manner the Catholic Church and her institutions, evaded the claims of other confessions to an equality of civil rights, and treated Ultramontane orthodoxy as a passport to the service of the State; this line of policy missed completely its aim just with those classes who were to be weaned by the Church from the principles of the Revolution, and produced, on the contrary, the opposite effect.[1] The dynasty, moreover, at the very moment of its downfall, found not the slightest support in the clergy, for whose sake they had compromised themselves so heavily.[2] However, if the Revolution of 1830 was directed as much against the ecclesiastical, as against the political principles of the Restoration, still the epoch now inaugurated indicates in no way a retrogression of the Catholic Church. On the contrary, she stepped forward with rapid strides from that position of inaction, which she had hitherto maintained in all countries except in the south-west of Europe, and exchanged the attitude of defence for one of attack. And she understood how to turn the very triumphs of

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[1] Perhaps the most cutting expression of exasperation against this miscalculated self-abasement of the secular power is given in the verses of Béranger :—

'Plaçons dans chaque prône
Non point le trône sur l'autel
Mais l'autel sur le trône.
Comme aux bons temps féodaux
Que les rois soient nos bédeaux.'

[2] The extent of Charles X.'s blindness is shown by the fact, that when, immediately before the issue of the Ordinances, the Russian ambassador Pozzo di Borgo went to him to warn him urgently against those measures, the king replied, 'Ne craignez rien, hier encore la Sainte Vierge a paru à Polignac.' This fact was told me by a diplomatist, to whom Pozzo on his return related the answer he had received, the ambassador adding, 'Quand les ministres ont des apparitions, les rois sont perdus.'

Liberalism to her utmost advantage. While continuing to recommend herself to absolute governments as the sole support against revolution, in constitutional countries she employed the very principles she condemned to strengthen and enlarge her power in the name of liberty.

At the first moment, it is true, matters seemed to take a bad turn for the Vatican in its own home. With Leo XII. (della Genga), who was raised in 1823 to the papal throne, after a reign of twenty-three years by Pius VII., the party of the 'Zelanti' had waxed all-powerful. Consalvi, his enemy, was overthrown, and survived his former master only five months. But this unsparing suppression of all attempts at liberality excited a ferment. The Revolution of July, in Paris, gave the signal for insurrections; and immediately after the election of Gregory XVI., the Legations and Marches were in a flame. A Congress of popular representatives, gathered together by the insurgents, declared 'that the pope was deprived for ever of his temporal sovereignty.' Even Rome was menaced with danger. Austria, regardless of the French threats of war, interfered at the request of the pope (Feb. 19), and speedily re-established his authority; an act which he acknowledged, with fervent thanks, 'to the faithful soldiers for their victory over the rebels, who, with sacrilegious hands, had sought to carry misery and devastation into the territory of the Levites.'

Insurrection of the Legations.

Meanwhile, the other powers thought it necessary to demand reforms in the Papal States, in the interests of the peace of Europe; and accordingly the ambassadors of Austria and France held a conference with those of Russia and Prussia, as well as with an English plenipotentiary, for the purpose of effecting a common understanding on the measures to be recommended to the pope. The prime mover of the conference was France; its soul

Memorandum of the Great Powers, May 21, 1831.

was the Prussian ambassador, Bunsen. After protracted discussions, a collective memorandum was at length prepared and, after revision by Bunsen, presented to the pope, through his Secretary of State, Cardinal Bernetti. It recommended:

1. The separation of administrative and judicial functions, and the admission of the laity to all offices connected with both.
2. A municipal system based upon freedom of popular election, and the representation of communal interests by notables.
3. The organisation of provincial councils, chosen from the new municipalities.
4. A central establishment in the capital, or supreme board, charged with the general supervision of administration, with the audit of the public accounts for the service of each year, and with the care of the public debt. Such board to include persons chosen by municipal councils, who, in union with the advisers of the sovereign, should form an administrative *giunta* or *consulta*.[1]
5. As regards the judicial system, the full execution and development of the promises and principles of the *Motu Proprio* of 1816.

But although the Vatican received this document with apparent favour, the subsequent negotiations led to no result. The blame of this failure was due essentially to Austria, who had insisted, at the very outset, that the guarantee of the temporal rule of Rome must go hand in hand with the proposed reforms, and now strengthened the hands of Cardinal Bernetti, by laying down that guarantee as the preliminary *sine quâ non*. Besides this, the powers were not unanimous as to the shape that guarantee should take. France wanted the five powers to determine what means might be necessary for the protection of the pope, as occasion should arise. At all events, she herself must decline any guarantee whatever, before the required reforms were carried out. Austria, on the other hand, demanded that the pope should be allowed the right to appeal, in the event of fresh disturbances breaking out, to whatever power should offer, under the circumstances, the most suitable prospect of assistance. Meanwhile, Bernetti crossed the negotiations by communicating to the ambassadors in confidence the contents of a *Motu Proprio*, containing only sham reforms. Thereupon Austria declared curtly that the emperor would guarantee the integrity of the Papal States, and therefore also the full temporal sovereignty of the pope, according to the letter of the Vienna treaties. In this Russia concurred, since after the suppression of the Polish insurrection, Gregory XVI. had preached to the Polish bishops the duty of submission, whereas formerly the official Roman journal had shown itself favourable to Poland.[1] Prussia and England held pretty much aloof, and France could do nothing alone. Thus the Vatican came out victorious from this diplomatic

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[1] Farini, i. p. 60 (Gladstone's translation); and Bunsen's 'Leben,' i. p. 544.

Integrity of Papal States guaranteed.

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[1] It was principally the violent language, by which pious Catholics were apparently encouraged by Rome to denounce the wrongs of Poland and Ireland, that led enthusiasts to believe that the papal system could accommodate itself to liberal institutions. But scarcely was the stability of the political and international arrangements of 1815 seriously threatened, than the pope took fright and threw over the cause of Poland. The Emperor Nicholas had become too valuable an ally for the maintenance of the political system, endangered by the revolution of 1830, for it to be possible that the pope should continue to appear the patron of those who wounded him at his tenderest point. The pope accordingly levelled a manifesto against the Polish insurrection. If the Catholics of Poland were oppressed, those of other countries were instructed that they could only assist their suffering brethren with their prayers.

contest. It had yielded nothing, and had obtained a guarantee of its temporal sovereignty.

Papal misgovernment under Gregory XVI., 1830–1846.

During the long reign of Gregory XVI. the system of absolutism and abuses remained externally unshaken. An end was put, it is true, to the judicial scandal of the *Uditore Sanctissimo*, by its suppression in 1831.[1] But there was no thought of secularising the administration. On the contrary, the pope would have none as *Prelati* who were not priests. An auditor of the rota fulfilled the duties of Minister of War. The Jesuits were all-powerful. Every suspected person was persecuted with rigour; when Gregory died, there were reckoned no less than 2000 exiles and political prisoners. Herr Von Usedom, who about this time went as Prussian ambassador to Rome, thus describes the pope and his government: 'Himself a monk and a scholastic theologian, he ruled his country as a monastery, his subjects as monks. The slightest infraction of obedience was unpardonable; the mutual rights and duties between superiors and inferiors were unknown terms. To all questions there was but one answer, Obedience; one sole mode of governing, Severity. So also in the sphere of the mind, there was no intelligent insight into the movements of the time; but one answer only, Believe what the Church teaches.'[2]

Roman influence in Spain.

Similarly, in the other Italian States, Rome had nothing to complain of, after the first ground-swell of the July Revolution had been allayed. In Spain, though the cause of the apostolic party and of Don Carlos, who had declared the Virgin his Generalissima, was ultimately forced to succumb, the government of Maria Christina and Isabella II. was equally zealous in behalf of Catholicism, and yielded only a partial assent, under the pressure of the Revolution and the necessities of finance, to the disposition of Church property by the State.

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[1] See Guizot, 'Mémoires,' ii. 436 *sqq.*

[2] 'Politische Briefe und Charakteristiken,' Berlin, 1848, p. 244.

Belgian Revolution, 1830.

By the Belgian Revolution the Vatican obtained a great positive advantage, without taking any actual part in its achievement. The narrow-minded obstinacy of William I. had succeeded, in spite of the material prosperity of the country, in exasperating the nobility and clergy, no less than the Liberals. The first were well organised, but singly too weak to make head in the chamber against the compact Dutch majority. It is true they had an effective political support in the French clericals; but they were well aware that they dared not re-echo the exclusively Ultramontane principles of such allies in the face of a Protestant Government. They formed, therefore, in 1828, a union with the Liberals (*Union Catholique-libérale*), which resulted in mutual concessions by both parties. The Catholics accepted the liberty of the press, the independence of the judicature, the responsibility of ministers. The Liberals accepted the independence of the Church from the State, and freedom of education. In vain did the government, at this crisis, attempt to reconcile its desperate adversary, the clergy, by concessions; while it made no effort to disarm the Liberals, who would have been much more inclined to come to terms. It was this union which, under the stimulating influence of the Revolution of July, led to open insurrection, and finally to the independence of Belgium, a task which could never have been achieved without the clergy.[1] The provisional government at Brussels, hastily constructed on the ruins of the committee of public safety, began by decreeing (Oct. 16, 1830) the abolition of all laws which restricted the liberty of the Church, or upheld the ecclesiastical supremacy of the State. In the project which was submitted to the National Congress (Nov. 8) by the

Union of Catholics and Liberals.

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[1] 'The roads were covered with peasants marching under the guidance of priests to support the insurrection.' Bulwer, 'Life of Lord Palmerston,' ii. p· 3.

'Commission Consultative,' appointed by the provisional government to prepare a constitution, these principles, it is true, were not as yet absolutely recognised. But under the influence of a letter from the archbishop of Malines, framed with remarkable cleverness, which represented the demand for the absolute autonomy of the Church as the necessary consequence of her newly-acquired liberty, the National Congress rejected all restrictions on the supremacy of the Church over the State, although the maintenance of worship and of its ministers was henceforth, as before, to be provided for from the public purse.

Power of the clerical party

The Catholics showed themselves, in this matter, much farther-sighted than the Liberals.[1] No doubt they would gladly have raised Catholicism to the religion of the State; but as they could not do that, they took care to secure for themselves at least full liberty of action; rightly anticipating that, by that means, the compact organisation of their Church, in a country where no rival of equal strength existed, must soon secure her decisive supremacy. The hierarchy was wholly free from all control of the State. The latter salaried it, but the pope appointed the bishops, as the bishops appointed the priests. The right of association was exercised without restraint by the erection of monastic houses, orders, and congregations. Not only were the old orders re-established, but everywhere new convents were founded.[2] These, it is true, acquired no corporate rights, such as would enable them by law to receive donations or possess landed property; but it was easy to evade this provision, by having the property thus obtained registered in the names of individual members. Freedom of education emancipated the Catholic seminaries from all State control. When the government declared the Universities of Ghent and Liège to be State institutions, and withdrew them from the influence of the Church, the Catholic party founded in 1834 the free Catholic University at Louvain, which shortly numbered as many students as the two State Universities combined; and, as no theology was taught in the latter, became the nursery of all those ecclesiastics who were not satisfied with the instruction given in the episcopal seminaries. But it was in the primary schools that the clergy gained their chief ascendency, particularly as they were enabled, by the abundant means at their disposal, to administer instruction gratuitously, and as the population, especially in the Flemish provinces, were well satisfied to leave the education of their children to the schools of the congregations.[1] Lastly, the low standard of the electoral census gave the vast preponderance to the lower classes, over whom the influence of the priests was the greatest; and this influence was enhanced in importance by the fact that the franchise was lower in the country and in the small towns than in the large ones, which did not comprise the general bulk of the nation.

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[1] Characteristically enough, the clerical party was opposed to the candidature of the Duke de Nemours because they saw in him the champion of French liberalism. Lord Palmerston told the Belgian representative, M. Van de Weyer, that the Internuncio Capaccini had declared he had no objection to the election of a Protestant king, since such a sovereign must necessarily be more inclined than a Catholic one to respect the rights of the Church.

[2] In 1846 there were 779 convents, with 11,968 inmates, the same number as at the time previous to Joseph II.'s reforms.

Thus, by a constitution extremely liberal, the clerical party in Belgium gained a power such as they enjoyed at that time in few absolute monarchies. It is true a considerable time intervened before this power was openly manifested, and so long as external pressure made union a necessity the Catholics and the Liberals held together. But when the infant kingdom was firmly established by the final recognition of Holland, then the eyes of the Liberals were gradually opened to the fact that, in the name of liberty, they had been preparing the way for the clergy in their efforts to assure the supremacy of the Church over the State in all questions which concerned her own interests. The coalition was dissolved: the Liberals opposed the Catholic party, being anxious to keep the secular power free from the domination of the Church. The struggle in the Belgian Chambers was henceforth between Church and State. The want of moderation among the Catholic party exposed them repeatedly to defeat, but, on the whole, they have shown themselves the stronger party by their compact organisation;[1] and, as the Liberals even, whenever they were at the helm, never ventured to assail the absolute liberty of the Church, she has continued steadily to advance. The example of Belgium proves, that in a country so purely Catholic as she is, the separation of Church and State, in the sense that the former is wholly emancipated from civil sovereignty, leads infallibly to the domination of the State by the Church.

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[1] The primary schools before the Revolution were under the control of provincial boards nominated by the government, who conferred the necessary diplomas on teachers. Liberty of education took away all coercive powers from these boards, and restrained them to a simple supervision of schools wholly or partially supported by the State. They were abolished altogether by a decree of the regent in 1831.

Anti-clerical reaction in France.

In France, the first consequences of the Revolution of July were not favourable to the Church. The clergy had linked their fortunes so closely with those of the Bourbon dynasty, that every priest in the kingdom felt his own existence imperilled by their overthrow, more especially as the government was too feeble to give them efficient protection against ill-treatment by the populace. The celebration of a mass for the repose of the soul of the Duc de Berri (Feb. 14, 1831), arranged by the clergy and the legitimists on the anniversary of his death, served as a signal for a popular outbreak. The report spread that the Carlists were crowning a Bourbon, and that the priests were hatching a political plot under the disguise of religion. The mob broke in and pillaged first the house of the *curé*, adjoining the church of St. Germain l'Auxerrois, and afterwards the church itself, which was treated with every mark of desecration. The funeral *catafalque* was overthrown; altars and confessionals were demolished; the holy water spilled, the images of the saints broken in pieces; the priestly robes profaned by the carnival antics of riotous buffoons; the cross, adorned with *fleurs-de-lis*, which surmounted the roof, flung down amid the shouts of the rabble outside.[1] These acts of vandalism were followed up next day by the sacking of the archbishop's palace; even the neighbouring cathedral of Nôtre Dame was in danger of destruction. From the capital these disturbances spread to the provinces. Everywhere the crucifixes were torn down from the churches and public buildings; the seminaries were plundered and set on fire; no priest was safe from open insult. All this, no doubt, was a perfectly intelligible, however unjustifiable, reaction against the fanaticism and spiritual despotism of the previous reign. Nevertheless, the apathy of the ministry of M. Lafitte, who looked on at these excesses with folded arms, deserves the gravest censure, and their conduct was worthily impeached in the Chamber of Deputies. They intended, probably, to teach a lesson to the clergy, of whose hostility to the new *régime* they were well aware: but in so doing they merely unchained the passions of anarchy. They should either have forbidden altogether the performance of the mass, if they

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[1] King Leopold accordingly declared, 'With us the Catholic party alone have a firm bond of union; the Liberal party is like a rope of sand.' (Stockmar, 'Denkwürdigkeiten, p. 692.)

Apathy of the ministry.

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[1] Lesur, 'Annuaire,' 1831, p. 80 *sqq*. 'Times,' Feb. 17, *eod. anno.*

regarded it as dangerous to public order, or, having allowed it, they should have protected the freedom of worship against the populace. So far from choosing either course, they took no heed of the warnings of the police, who predicted a disturbance of the peace, and they adopted no adequate precautions for the protection of the church, or even of the archbishop's palace. They pandered so far to the mob by ordering the removal of the crosses from all public buildings and churches, and the king, at the request of M. Lafitte, indulged the general raid by effacing the Bourbon lilies so plentifully emblazoned on the obnoxious emblems. The government further issued an edict forbidding any priest to appear in public without his ecclesiastical robes: which in many places was tantamount to a sentence of domiciliary imprisonment on the clergy, and doubly unjust at a time when the priestly garb was represented in caricatures and on the stage as the mask of craftiness and vice.

These anarchical outbreaks, however, exhausted their fury. The government, already fully occupied with its contest against the Legitimists on the one hand and the Republicans on the other, saw clearly the imprudence of making complete enemies of the still powerful clergy. They resisted the demand of the Left to compel priests to serve in the National Guard. They forbade the prefects to interfere in purely ecclesiastical affairs, and contented themselves with depriving the Church of those inadmissible privileges which she had gained from the Restoration. Yet these concessions did not stand alone. In the revision of the constitutional charter by the Chamber of Deputies, the original Article VI., which declared Catholicism the religion of the State, was expunged, and, in lieu thereof, there was inserted in the former Article VII., which dealt with the payment of the clergy, the proposition, taken from the Concordat of 1801, that the Catholic religion was that

The clergy deprived of their privileges.

'professed by the majority of the French.'[1] The law of Napoleon was renewed which incapacitated ecclesiastics from holding any landed property. Charitable endowments and bequests to the clergy were to be made only in *rentes* of the State and with the sanction of the government. All the bishops who had been appointed members of the Chamber of Peers by Charles X. lost their seats in that assembly; the other bishops did not appear at the sittings. The salaries of the high dignitaries of the Church were reduced, and those of the parish priests augmented. The Ministry of Ecclesiastical Affairs, an office formerly created by Villèle, and administered by a bishop, who conducted also the management of public instruction, was now abolished, and its duties assigned to the Minister of Justice.[2] With regard to public instruction, the Restoration had empowered a number of religious societies to open elementary schools, conceding to their members the privilege of exemption from the examination otherwise required, on production of a certificate of obedience to their superiors. This privilege was now abolished, but the clergy, notwithstanding much opposition, retained through the influence of Guizot their own influence in the elementary schools: and it was specially enacted that the parish priest should always be a member of the local school-board.

They regain their popularity.

While thus the clergy were deprived of all their obnoxious privileges and restricted to their proper sphere of activity, thereby losing also their indirect influence over politics, the jealousy and ill-will of public opinion, formerly displayed against them, visibly disappeared. The attempts of the Abbé Châtel to found a National Church on rationalistic principles, which had met with some sympathy in the days of ill-temper against the hierarchy, soon fell into ridicule, as did also the 'Église Primitive Chrétienne' of the New Templars.

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[1] Art. vi. of Revised Charter (Aug. 14, 1830). 'Les ministres de la religion Catholique, Apostolique, et Romaine, *professée par la majorité des Francais*, et ceux des autres cultes Chrétiens, reçoivent des traitemens du trésor publique.' The word 'seuls,' inserted originally after 'reçoivent,' was expunged by the deputies, so as not to exclude the Jews. (Lesur, 'Annuaire,' 1830, p. 225.)

[2] A separate Ministry of Public Instruction was created after the example of Prussia, where the separation had been effected by the law of 1819.

Liberal movement under Lamennais for Church independence.

On the other hand, a decided rise took place in the authority of that school of Catholicism which, after the example of Belgium, claimed the independence of the Church in the name of liberty. At the head of this movement, which manifested itself mainly outside the official Church, was the Abbé de Lamennais. Originally a pupil of the school of De Maistre, he had fought by the side of the ultra-royalists for Ultramontanism. Later on, in his pamphlet, *De la religion considérée dans ses rapports avec l'ordre politique et civil*, he came forward as the enemy of all independence on the part of the secular power, and made the legitimacy and sovereignty of princes directly dependent on their subjection to papal authority, the sole guarantee, as he affirmed, for the maintenance of public justice and the suppression of tyranny. Against the sovereign who should renounce obedience to the pope he allowed to the people the right of revolution. However agreeable such principles were to the Ultramontanes, no less than fourteen archbishops and bishops protested against them in the name of the Gallican liberties; and the government prohibited the book. When the Martignac ministry deprived the Jesuits of the conduct of the minor seminaries, Lamennais, full of indignation, rebelled against the edict. No government, he declared, deserved to be obeyed unless it submitted to the law of God, as embodied in the papacy; he even compared the bishop from whose hands the decree had issued (Feutrier, Minister of Ecclesiastical Affairs) to Judas. To break these shameful chains of slavery, Lamennais became all at once an enthusiastic champion of liberty. 'Sortez donc de la maison de servitude,' he exclaimed to the priests in his book *Progrès de la Révolution*, which appeared in 1829, 'brisez les fers, qui vous dégradent, et vous empêchent de remplir votre céleste vocation.' The example of the Belgian opposition against Holland inspired him with admiration. He entered into alliance with the Belgian clericals, and defended their coalition with the Liberals on the ground that liberty alone could confer upon the Holy See and the Catholics the true power of resistance against the encroachments of the government. The pressure which the State now exercised on the Church was worse than the persecution by the heathen emperors of Rome, for the latter only killed the body and never dreamed of seeking dominion over the internal life of the Church. Lamennais therefore was eager for the separation of Church and State. He demanded indeed that the State should restore to the Church, who was to renounce all claim to the further payment of her ministers, the property of which she had been robbed. But he launched his heaviest weapons against Gallicanism, which he stigmatised as the bastard child of Catholicism and a violator of the Church, by delivering her over to the bondage of the State. Thus he welcomed the Revolution of July, notwithstanding its anti-Church character. Royalty, he said, had fallen simply through its assertion of those servile doctrines, on which it had leaned in order to prostitute religion for political purposes. To liberty alone he looked forward for a regeneration of genuine Catholicism.

To pave the way for this liberty, Lamennais, with his disciples Lacordaire and M. (afterwards Count de Montalembert), founded the daily journal *L'Avenir*, with the

Programme of *L'Avenir.*

motto 'Dieu et la Liberté.' The Church as he there represented her, no longer sold to royal favour, but also no longer fattened on by the State, was to develop unhindered her internal strength and to win irresistibly the minds of the people. From this point of view he proceeded to attack with violence the Concordat of 1801. Such compacts, he said, might have been concluded safely enough in former times and with trustworthy monarchies, when certain rights were conceded by the Holy See to the sovereigns, as the representatives of the people. But they became objectionable, when the countries ceased to be Catholic. A Church grafted on the State could bear for its fruit only an official religion, a political clergy. The free patriarchal government of the highest—that is, the papal—intelligence was alone capable of re-establishing the independence of the Church; whereas, at present, all communications between the bishops and their head were forced to pass through the *douane* of the Council of State, there to receive the seal of bondage. In the same spirit he called upon the Catholic clergy to renounce their civil salaries. The millions of the State were the price paid for the sacrifice of liberty of conscience. Ireland was showing that a Catholic country, though burdened with the maintenance of an heretical Church, was able to endow her own clergy sufficiently. Very questionable, indeed, were the political opinions expressed in the *Avenir.* 'Sovereignty,' it was declared, 'is given by God immediately to the people, and through the people only to the sovereign. On this condition only is the right of the ruler a divine right, namely, that he protects the equally divine right of the people to liberty. As soon as he attacks this right he forfeits his legitimacy.' Thus ran the programme of the new school, in unmistakable sympathy with the doctrines of Mariana and Bellarmin. And as with these, so the programme of the *Avenir* ends with this lame and impotent conclusion:—

'Only however, in the case of Catholic nations can this right be exercised without danger; because only in such nations is seen, instead of mere subjective opinion, the lively operation of the divine law, pronounced infallibly by the pope.'

For the propagation of these views, their three promoters now established an association, under the name of *Agence Générale pour la Défense de la Liberté Religieuse*, directed by a council of nine members under the presidency of Lamennais. They instituted legal proceedings against the municipality of Nismes, for not having opposed the destruction of crosses in that town. They demanded absolute liberty of education, without any examination of teachers, or any supervision by the State or the University. When the government, in virtue of the Concordat, nominated some new bishops, Laçordaire conjured the latter not to degrade themselves into the mere creatures of the civil power, and to repudiate their nomination.[1] Those bishops, whose Catholic orthodoxy seemed open to question, were denounced, and the faithful in their dioceses were called on to resist their authority. For the Catholic clergy was demanded the right of choosing their own ecclesiastical heads, who were only to apply to the pope for confirmation.

At first, undoubtedly, the doctrines of the *Avenir* and the *Agence* found sympathy among the parish clergy and the young. When Lamennais and Lacordaire were prosecuted (Jan. 1831), their acquittal was hailed with acclamation:[2] and at the prosecution, which ended in the condemnation of the newspaper, whole communes sent contributions towards covering their expenses—20,000 francs were collected in this manner, and soon afterwards a sum of 80,000 francs was sent by the editors to Ireland to relieve the starving peasantry.[1] But the triumvirate, nevertheless, had miscalculated. The revised charter had sanctioned, indeed, religious liberty, but by no means, as in Belgium, a separation of Church and State and absolute liberty of education. When, therefore, Lacordaire and Montalembert proceeded to open a free Catholic school, without obtaining the necessary permission, an agent of police ejected the schoolmaster and his pupils, and a prosecution was instituted against them by the Government. Montalembert, who had recently succeeded to the peerage on the death of his father, was entitled to a trial by the chamber of Peers. The sentence was practically an acquittal, being only a fine of 100 francs. But the *Avenir* was discontinued: the editors announced it suspended (Nov. 15.), and appealed to the decision of the pope—an extraordinary mistake, which was bound to check the further progress of the movement. The large majority even of the clergy were little pleased with this league between Catholicism and democracy. Neither the bishops of legitimist opinions, nor those who showed a spirit of conciliation to the new *régime*, felt any particular desire to resign their snug emoluments, and to make their existence depend on voluntary oblations. But, above all, both detected equally in the demagogical conduct of Lamennais, who persecuted, with all the weapons of fierce and vindicative hatred, everyone who thwarted or opposed his ideas, a source of serious danger to the Church.

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[1] 'Avenir,' Nov. 25 and 26, 1830.

[2] See Montalembert's 'Le Père Lacordaire,' Paris, 1862. Lacordaire defended himself in person: his speech is given at length in the *Avenir.*

Rome, meanwhile, as may easily be understood, had at first followed with eager sympathy the battle undertaken by Lamennais against Gallicanism and for the liberty of the Catholic Church. There the Abbé was hailed as the latest French father of the Church, and his portrait occupied a place of honour in the boudoir of Leo XII. Latterly, the Curia would even have been disposed to let him and his friends proceed, in this matter, exactly like the Belgian clergy; for, as Macaulay strikingly observes, Rome allows herself as little to be carried away by enthusiasm as she rejects it; she simply employs it for her own advantage. But the bare notion, that the pope would approve the entire programme of the *Avenir* and would sanction, therefore, for example, the renunciation by the clergy of all State endowments, and the doctrine that Catholicism had nothing to fear from freedom of enquiry, was one that could only spring from the muddled brain of an enthusiast. It was useless, therefore, that the adherents of the new school, after the death of Leo XII., addressed a humble but eloquent exposition of their doctrine to his papal successor, then awaiting election. It was equally useless that, at the end of the same year, Lamennais, Lacordaire, and Montalembert—'the three pilgrims of God and liberty' as they called themselves—went in person to Rome to gain Gregory XVI. over to their cause. They were treated with kindness, but all discussion of their plans was carefully avoided. An interview with the pope was only granted them on condition that no mention should be made of the very matter they had come to urge. Lamennais, chafing with impatience, returned to France; his fellow-journalists followed him soon after, but not until they had addressed a letter to the pope, insisting on a decision between them and their opponents. After a long delay the Vatican broke silence by the Encyclical of August 16, 1832, which prepared a sudden dissolution of the union between Ultramontanism and liberty. Gregory XVI. addressed himself therein, in terms of unmeasured violence and coarseness, not only against all revolutionary tendencies, then universally prevalent, as he said, but against all and every effort after liberty. He declared the present time to be the hour of darkness, when un-

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[1] The Roman Catholic bishops, in synod assembled, returned a letter of thanks to the editors, in which they eulogised the *Avenir* as a 'truly Christian journal.' Lamennais, 'Affaires de Rome,' Paris, 1838, p. 51.

Encyclical against the movement, August 15, 1832.

bridled wickedness, shameless knowledge, and unbounded license were triumphant. The divine authority of the Church was being assailed, subjected to worldly considerations, and shamefully enslaved. The holy doctrine was being falsified; errors of all kind were being propagated abroad, openly attacking the Catholic faith. Among special instances of such errors he quoted Indifference, that perverse opinion that salvation was attainable by every confession of belief; that 'putrid source from which flows the absurd and erroneous notion, or rather frenzy, that liberty of conscience is to be granted and guaranteed to all alike.' What was this but to proclaim universal liberty of error, whence spring perpetual changes of the mind, the corruption of youth, the pest of communism? All states, once flourishing in wealth, power, and glory, had gone to ruin solely through the boundless license of opinion, the freedom of speech, and the mania for innovations. Hence his invective against the liberty of the press, which he stigmatised as something that can never be sufficiently execrated and condemned.[1]

Although the *Avenir* and its supporters were not expressly mentioned by name, yet the triumvirate, who learned the contents of the Encyclical at Munich on their return to France, understood perfectly well that its censures were levelled against themselves. They promised to discontinue the publication of their journal; they dissolved the *Agence*, and submitted to the judgment of the Holy See. But Lamennais, who had long stood out against surrender, and vainly attempted to pursue further argument with the pope, could not acquiesce in composure; and after a violent inward struggle with himself, the democrat conquered the Ultramontane. His residence at Rome had destroyed all his illusions about the papacy. Instead of

Lamennais revolts against the Church.

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[1] 'Libertas illa teterrima, ac nunquam satis execranda et detestabilis.'

the sanctuary of truth, he had found there nothing but oppression, deceit, and petty intrigues. The pope, whom he had approached with trembling reverence and awe, as though he were the Deity Himself, in order to receive the light of truth, had first, through fear of compromising himself, been silent, and then had cursed all that Lamennais proposed, as the groundwork for the future edifice of the Church. A disenchantment so complete naturally produced, in his passionate nature, as total a revulsion of feeling. With the same fire with which he had fought against the enslavement of the Church by the State, he now turned in his *Paroles d'un Croyant* in 1834, against ecclesiastical tyranny, and refused to acknowledge any law but that of God, of justice, love, and liberty. The work, written with ravishing eloquence, produced a powerful sensation. But its influence was far from lasting. The author had fallen into the dreary chaos of the so-called Religion of Humanity, and soon involved himself in a struggle against all authority, in which his very name was soon forgotten.[1]

Failure of the movement explained.

It would be erroneous, however, to ascribe the failure of this movement solely to its democratic character and the passionate spirit of Lamennais. Noblemen of moderate liberal principles, like Montalembert and de Falloux, failed equally, later on, in the task of reconciling Catholicism with liberty. Rome is willing even to acquiesce when, in countries like Belgium and America, where a monopoly of Catholic privileges is impossible, the Catholics employ the liberty given by the laws and the constitution to strengthen their power, and thus to gain an influence in politics. But she will never approve those principles of liberty in themselves, for they are wholly at variance with her own. 'What then would become of the Inquisition with your liberty?' asked a cardinal of Lamennais, when the latter was explaining to him the advantages of his system to the Church. In this question lies the whole contradiction. Rome herself has no prejudice for any particular form of government; she gauges the measure of its worth by the readiness of the State and the people to submit to the laws and edicts of the Holy See. But, precisely for that reason, she can never regard with approval the self-government of a nation, for such self-government involves of necessity the independence of the civil power. All representative institutions are hateful to the hierarchy, for they contradict its principles. Step by step it has suppressed them in the government of the Church, first by excluding the laity, then by making the priests the mere assistants of the bishops, and finally by making the bishops the mere servants of the pope. Political liberty, therefore, *per se*, can never suit the taste of Rome. But still less does Catholicism, from its very essence and nature, allow one to demand toleration, the recognition of freedom of conscience, or even of the equality of religions before the law. 'Il est de l'essence de l'Église Catholique d'être intolérante,' said Consalvi with perfect truth. Inasmuch as the Catholic Church claims to have the sole, absolute, and plenary possession of religious truth, she cannot possibly admit that a single particle of truth is contained in any doctrine differing from her own. On the contrary, all that she rejects is

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[1] Guizot forcibly describes this phase in his character and career: 'Resté seul en proie de la lutte intérieure de son ancienne foi et des idées nouvelles, qui grandissaient en lui, sous le souffle de son orgueil offensé, l'Abbé de Lamennais essaya d'abord de quelques apparences de docilité, mêlées aux réserves d'une colère mal contenue et trouvant la cour de Rome décidée à ne s'en point contenter, il s'engagea enfin par la publication des "Paroles d'un Croyant," dans une révolte déclarée qui devint bientôt une guerre implacable contre le pape, l'Église Romaine, l'épiscopat Français, les rois, la monarchie, toutes les autorités religieuses ou politiques, qui, selon lui, tenaient sous un joug odieux les esprits et les peuples, et leur ravissaient la liberté et le bonheur auxquels ils avaient droit.' ('Mémoires,' iii. p. 99.)

Necessary intolerance of the Romish Church.

error, founded only on ignorance, or sinful rebellion against infallible authority. The Romish Church is quite consistent, therefore, when, in order to secure her faith against all attack, she persecutes and oppresses by every possible means, directly she is able to do so, not only every deviation from that faith, but also all freedom of thought and enquiry, which may lead to heresy. The Inquisition and the Index are the necessary consequences of the system on which the Catholic Church is based. Differences of time and circumstances can alter nothing in that system. Since religious truth remains eternally the same, so also must error always be suppressed. Those who seek to reconcile these immutable principles of intolerance with the independence of the State, and with religious and political liberty, will always involve themselves in contradictions that are insoluble. The Catholic Church tolerates only what she cannot alter. She will never cease to condemn institutions which rest on principles contrary to her own, however serviceable to her those institutions, under many circumstances, may become.

Clerical attempts to release education from State-control.

Of the whole movement, represented by the *Avenir* and the *Agence*, practically one problem alone remained. This was liberty of education, which the Charter of 1830 had promised in one of those ambiguous generalities which constitutional documents are apt to exhibit.[1] Here Montalembert, Lacordaire, and their friends, who had separated themselves from Lamennais, had the episcopate on their side, for the bishops were anxious to withdraw the seminaries and the schools of the religious Orders from the superintendence of the State. Guizot, as Minister of Public Instruction, was pretty well inclined to grant this demand. But the Chamber of Deputies set their face against it, and insisted that the head master of every school should not only take the oath of allegiance to the Constitution, but should swear further that he did not belong to any unauthorised society. The law, however, was not enacted; and the question could not be resumed until after 1840, when Guizot became President of the Ministry, and brought forward his original programme, namely, the maintenance of State institutions for education, but the liberation, at the same time, of those which were strictly private. The Catholic party which, under the Restoration, had upheld the unity of Church and State, now demanded an absolute separation of the two, after the Belgian pattern. In this demand they were supported by the Ideologists of the Left, who, under the guidance of Lamartine, defended this solution of the question in the name of Liberty. But the violence of the Ultramontane polemists in the press, and in the pastorals of the bishops, as well as the dreaded influence of the Jesuits, who now came forward with increasing boldness, and assumed the direction of the whole movement, compromised the success of this policy.

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[1] Section 69, 'Dispositions particulières.' 'Il sera pourvu par des lois séparées pour l'instruction publique et la liberté d'enseignement.'

Aggressive demands of the Jesuits.

During the first years of the July monarchy, the Society of Jesus had kept very quiet. Its members, for the most part, were disguised under the title of Lazarists or Redemptorists; and the government, first from carelessness, and afterwards from shyness of prosecuting them, allowed them to do as they liked. Soon they came openly forward; in 1842 they appear to have numbered close upon a thousand,[1] and their establishments had increased to twenty-nine. They wielded a powerful influence over a portion of the clergy; and even the bishops reluctantly yielded to them through fear. They conducted indirectly the management of the primary schools of the clergy. While reserving for themselves the instruction of the sons of wealthy parents and of priests, that of the daughters they endeavoured to procure for the sisters of the *Sacré Cœur*, an Order closely allied to their own. Above all, they strove to withdraw from State control their schools, houses of noviciate, and such like institutions—all of them established in defiance of the law—by denouncing in the name of freedom of instruction that mild exercise of civil supervision as an intolerable tyranny. But this farcical parade of liberal principles by the venerable fathers was too transparent to escape detection, and served only to revive the old hatred which the Order had always encountered in France. When, in spite of their attacks upon the rights of the University, M. Villemain, the Minister of Public Instruction, introduced a Bill (Feb. 2, 1844) which partially conceded some of their demands, the resistance of the Liberals was too strong to be gainsayed. Public opinion and the Chambers demanded that the government should enforce the existing laws against illegal religious societies. Interpellated by Thiers [1]—who, by the way, when Minister, had similarly allowed the Jesuits to do as they liked—the ministers were obliged to admit that the laws in question were in full force, but urged that the time and mode of their enforcement must be left to their discretion. After a debate, lasting for two nights, it was resolved 'That the Chamber, relying on the government for the execution of the laws of the State, passes to the order of the day.' But Guizot, in spite of this warning, had not the courage simply to close the institutions of the Jesuits. He sent M. Rossi, a member of the Royal Council of Public Instruction, as French ambassador to Rome, to induce the pope to make the society dissolve its establishments in France, leaving its members, in case they wished to remain in the country, to submit themselves as simple priests to the jurisdiction of the bishops. This demand was, in some degree, a bold one, preferred, as it was, to a pope like Gregory XVI., and considering the power which the Jesuits exercised at Rome. Rossi for a long while did not venture to touch upon the subject; but after a violent scene between Louis Philippe and the nuncio, and the ambassador having represented to Cardinal Lambruschini that the only alternative lay between independent proceedings on the part of his government and compliance with their demand, the pope yielded an apparent consent, and Rossi thought he might safely report to the Cabinet 'La congrégation des Jésuites va se disperser d'elle-même'— a result which the *Moniteur* announced with triumph. The general did indeed write to the French provincials, that Providence imposed upon the Society the duty of making a voluntary sacrifice, in order to save the whole body; and the most important houses of noviciate were closed. But most of their establishments remained open, notwithstanding the ordonnance, and the members of those which were closed founded new establishments in towns where the Order had hitherto not been represented. By these means the Society itself spread over France a network of Ultramontane rallying-points, to which free scope for action was given later on by the February Revolution.

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[1] MM. Michelet et Quinet estimate them at 960 ('Des Jesuites,' Paris, 1843); others at considerably less. The numbers, however, were difficult to ascertain exactly, the society itself being still illegal. Their houses were usually held by some lay or clerical friend of the congregation as trustee, in order to evade the provisions of the law.

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[1] 'Moniteur,' May 3, 4, 1845.

On the whole, the result of the July monarchy was not unfavourable to Catholicism. The latter had lost the compromising protection of the Restoration, but had gained much greater liberty of movement, In single instances, indeed, the government reminded Catholics of the rights of the State, as for example, when the burial rites of the Church were denied to Count Montlosier, for having refused on his death-bed to retract his writings. But where the clergy did not openly challenge public opinion by acts of intolerance, the government let them have their way, and ignored the visible increase of their power. Gallican principles were not regarded with favour at the Tuileries; for those bishops who still adhered to them were mostly Legitimists. The French Church became more and more Ultramontane; already in 1841, Guéranger, Abbé of Solesme, began his attacks upon the Gallican liturgy, an onslaught which provoked great indignation at the time, but led afterwards to the substitution of the *Breviarium Romanum.*

The tithe question in Ireland.

In Ireland, during this period, the agitation still continued. Emancipation had failed to tranquillise the Catholics, and the movement for a repeal of the Union was chiefly incited by the hope of getting rid of the dominant Church. The anomaly of the Protestant establishment was enhanced by a practical grievance, the payment of tithes for its support—a burden which pressed heavily on a numerous, but indigent class of cottier tenants, and led to constant conflicts between the clergy and the peasantry. An Act had been passed in 1824 for the voluntary composition of tithes; but the remedy was altogether inadequate, and in 1831 the situation was too critical to be disregarded. Tithe-proctors were murdered in open day, and an organised system of terrorism prevented the Protestant clergy from levying their means of subsistence. The archbishop of Dublin declared in evidence before a Committee of Enquiry that the tithe-system could only be maintained by the point of the bayonet. When the clergy were starving, it was idle to shirk the question of expediency, by insisting on the legality of tithes. Accordingly, an Act[1] was passed in 1832 empowering the Lord-Lieutenant to advance 60,000*l.* to provide for the immediate wants of the clergy, and making tithes a debt recoverable by the Crown. A further measure[1] made composition compulsory and permanent. But a year's experience sufficed to show that the government, in undertaking to collect the tithes, had undertaken a task beyond their power; only 12,000*l.* out of the whole arrears of 100,000*l.* being recovered. As a temporary expedient the government resorted to a loan; but the difficulties of the tithe-question were increased now by the problem of appropriation. Reform and reductions were urgently needed in the Irish Church,[2] and the ministry of Lord Grey recognised the necessity by introducing in 1833 the Irish Church Temporalities Bill.

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[1] 2 and 3 William IV., c. 41.

Irish Church Temporalities Bill, 1833.

Sinecure benefices were to be abolished; first-fruits were to be replaced by a tax on clerical incomes, and the saving thus effected was to compensate for the abolition of church-cess, by defraying the repair of churches and the maintenance of service. The question was, what to do with the surplus after satisfying the needs of the establishment; for a large profit would evidently accrue from the grant of perpetual leases of Church lands by the State. The Bill proposed that whatever funds remained, after redeeming the charges on parishes for building churches, should be applied hereafter 'as Parliament may direct,' thus leaving the question open for future consideration. But the Church party feared in this the ultimate alienation of the revenues of the establishment; and the principle of appropriation had to be abandoned to secure the passing of the Bill.[1] But the question of the right of the State over any proceeds of Church property was revived the next year by the affirmatory motion of Mr. Ward.[2] A minority of the Cabinet seceded, and Lord Althorp only succeeded in evading the difficulty for the moment, by promising a Commission of Enquiry. The proposal of the Whigs in 1834 to convert tithes into a land-tax, payable to government by the landlords, and subject to redemption, was defeated by the Lords, notwithstanding the provision that the proceeds, after redemption, should be invested in land for the benefit of the Church. Sir Robert Peel, on accepting office, took his stand on the inviolability of Church property; but he was willing to commute the tithes into a rent-charge upon the land, with a reduction of 25 per cent. His ministry, however, was brief. On April 3, 1835, Lord John Russell succeeded in carrying his resolution 'that any surplus revenues of the Church of Ireland, not required for the spiritual care of its members, should be applied to the moral and religious education of all classes of the people.'[3] The Whigs returned to office; but the settlement of the question was delayed by the persevering opposition of the Lords; until finally in 1838 the Ministers abandoned the 'Appropriation clause,' and the Commutation Act[4] converted tithes into a permanent rent-charge on the land.

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[1] 2 and 3 William IV., c. 119.

[2] The State-Church was found at this time to number little more than one-tenth of the whole population of Ireland. Out of an aggregate of 7,943,940 persons, 852,064 belonged to the Establishment, 6,427,712 were Roman Catholics, 642,356 Presbyterians, and 21,808 Protestant dissenters of various denominations. In 151 parishes there was not a single Protestant; in 194 there were less than 10; in 198 less than 20; in 860 less than 50. (First Report of Commissioners on Public Instruction: Ireland, 1835, p. 7.)

Question of appropriation.

During the second ministry of Sir R. Peel, who succeeded Lord Melbourne in 1841, further concessions were made to the Catholics. The Charitable Bequests Act of 1844 removed the anomalous jurisdiction over Roman Catholic endowments by a board hitherto exclusively Protestant. Testamentary dispositions were allowed to

Further concessions to the Catholics.

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[1] 3 and 4 William IV., c. 37.

[2] See Hansard, Third Series, xxiii. 1397.

[3] 'Comm. Journ.,' xc. 202, 208.

[4] 1 and 2 Vict., c. 109.

be made by Roman Catholics to their churches and her institutions, the religious Orders alone excepted. The annual grant to the Catholic College of Maynooth—an institution established in 1795 to meet the necessity created by the exclusion of the priesthood from French places of education during the period of the Revolution—was augmented in 1845 to a sum proportionate to its requirements. Finally, three new colleges were founded, where the system of combined secular, but separate religious instruction, which had worked successfully in the national schools, was extended to the academical branch of education. These colleges being open to all denominations, sectarian religion was excluded from the regular course of studies; and the Catholics, like other sects, were allowed separate lecture-rooms for religious teaching. They denounced, indeed, these colleges as 'godless,' but the scheme was conceived in the spirit of comprehensiveness and liberality.

Growing dislike of Ultramontanism in Germany.

In Germany the period of the Restoration was not marked by the alliance of throne and altar. But the struggles of the opposition in France against Ultramontanism were followed with lively sympathy, and under the influence which the active political life of the neighbouring country exercised during the stagnation of home politics in Germany, an equally intense hatred was manifested against the Jesuits, and a similar fear of their designs. Niebuhr, who had formerly, when at Rome, regarded the Papal See as harmless and doomed to dissolution, wrote in 1826 to Perthes, after having lived several years in a Catholic country: 'all that is bad is now awakened to its fullest extent, the whole system of priests, all, even the most gigantic plans of conquest and subjugation;' and Perthes himself tells us, that the mildly-tempered 'History of Religion' by Count Stolberg, the convert to Catholicism, which had formerly been industriously circulated by the strictest Catholics, was now regarded with suspicion. It was said, he adds, that Stolberg had never been able to stifle his inward sympathies with Protestantism, or to comprehend many tenets in the Catholic Church; that the archiepiscopal vicariate at Vienna was opposed to the circulation of the work, and that pious priests declared they dared not venture to recommend it in public.[1] In none of the German states, however, had the influence of the Ultramontane party been so strongly manifested, as to excite, as in France at the outbreak of the Revolution, the hostility of public opinion. All the greater was the political significance of that event; and the powerful impulse it gave to the Liberal party produced on the different governments an unfavourable impression, which indirectly benefited the Catholic party as the so-called champions of Conservative interests. The hollowness indeed of their pretended support should have been evident, at least to every Protestant state, by the example of their collusion in the Belgian Revolution, no less than by the Encyclical of 1832, which was equally levelled against Protestantism. The compliance displayed by the governments was answered only by larger demands and more open resistance.

Ultramontane progress in Austria under Ferdinand I.

In Austria, after the death of Francis I. (March 4, 1835), Metternich remained true to his resistance against clerical concessions, eagerly as they were importuned by a powerful faction at court, headed by the Archduchess Sophia.[2] But with her for his opponent, he was not strong enough to carry out his principles consistently. Accordingly the old laws remained, indeed, in force, but were laxly administered and in part actually evaded. The result was perpetual collisions between the authorities and the clergy, who were daily growing more inflated with arrogance and presumption. They demanded the enforcement by the police of obedience to the ordinances of the Church, as for instance, in the matter of fastings; and they sought by every means in their power to harass and persecute the Protestants. The Jesuits, above all, who between 1820 and 1830, notwithstanding the influence of the Court party, had only been allowed to settle in Austria as Redemptorists or Liguorians, were now publicly re-admitted. At Court the fall of the Bourbons was represented as the punishment for having betrayed the Jesuits in 1828. Metternich, intimidated by the Revolution, was loth to reject any measures that appeared suitable to stem the revolutionary tide. He yielded; reserving, however, that amount of supervision over the institutions of the Order, which the law had conceded to the State in all ecclesiastical matters, and preventing the formal recall and re-establishment of the Order, so that admission in every case was to depend on the special leave of the government. This leave was almost always granted, and, thanks to their imperial protectors, they spread themselves over nearly all the territories of the crown. Their greatest victory was in Tyrol, where, at the instigation of Giovanelli, the 'Theresianum' at Innspruck, and the gymnasium attached to it, were delivered over to their hands.

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[1] Perthes' 'Leben,' iii. 197 *sqq.*

[2] There is no foundation for the statement of Count Beust in his despatch to Count Trautmannsdorf of July 2, 1869: 'Ce fut le Prince Metternich, qui proclama hautement pendant les dernières années du règne de François I. et de tout le règne de Ferdinand I., que les choses ne pouvaient plus marcher ainsi, et qu'il fallait conclure la paix avec

Re-admission of the Jesuits, 1836.

The Jesuits opposed in Hungary.

Hungary alone opposed their intrusion, and that as resolutely as she opposed in general the encroachments of

l'Église Catholique sur le terrain des principes.' Metternich held firm to his fundamental principles. It is true that the Court clergy actively exerted their influence to bring about a change of feeling; but when an attempt was made in 1834 to effect an agreement with Rome, the negotiation broke down at its first stage. The system of Josephism was still too firmly established to make a satisfactory result possible for the Church.

Ultramontanism. Mixed marriages, so vehemently resisted by the bishops, who in their pastorals openly denounced the Protestants as 'heretics,' formed a fertile subject of contention. The rule was, that such marriages should be concluded before a Catholic priest, who was not allowed, however, to hinder them in any manner. If the father was Catholic, then all his children were to be educated in his faith; if he was Protestant, then only his sons were to follow his religion. The question was discussed at the Diet of 1830–31, when a petition was presented to the king, praying him to regulate the dispute, as well as that relating to proselytism, the Catholic priests having refused to give a certificate to those who had passed the necessary instruction. Meanwhile, the clergy reintroduced the *Education-Reverse.*, i.e. the contract by which the children of mixed marriages were bound to the Church of Rome. The Protestants, indignant at this measure, made their complaints heard in the Diet, and warmly demanded its abolition. A royal edict of July 5, 1843, granting equal rights to all confessions, recommended that the education of the children should be left to the free choice of the parents. But this proposal pleased nobody; and the magnates proposed to solve the difficulty by declaring that the children should in all cases follow the religion of the father. The bishops protested in the Upper House and presented a memorial to the Emperor Francis, teeming with invectives against Protestantism, and culminating in the assertion that peace and concord in a State could be attained only by unity of faith. This zeal of the Church militant was highly embarrassing to the government. By sending the wily Bishop Lonovics to Rome, they obtained a partial compromise. The Vatican consented that the validity of mixed marriages solemnised by Protestant pastors should be considered legally valid, and that the Catholic priest,

Question of mixed marriages.

on receiving a declaration of agreement as to education from the affianced pair, should be allowed to give his 'passive assistance' at the ceremony, and certify its conclusion in the marriage register. This compromise was accepted by the diet notwithstanding the opposition of the bishops, and it was added, that although the affianced pair were free to make any agreement they chose about the education of their future children, yet such agreements were to be regarded merely as private, and consequently could not be made compulsory by law.[1] This compliant conduct of Rome in the very question, which she had specially singled out as the starting-point of her campaign against the secular power, showed that no real conflict was to be apprehended in Austria either with the clergy or the Vatican, since both were unremitting in their endeavours to gain the goodwill of the government, on which the preservation of the temporal rule at Rome so largely depended.

Mixed marriages in Prussia.

Very different was the course of events in Prussia. The time was gone by when Pius VII. had expressed his gratitude for the services rendered by Frederick William towards the re-establishment of the temporal rule, and boasted that in Prussia the Catholic Church occupied a better position than in many of the Catholic States. Niebuhr, who after the conclusion of the Concordat of 1821 (*De Salute Animarum*) had hoped that on all practical points it might be supplemented by an amicable arrangement, found himself deceived as soon as the first question of the kind was mooted, namely, that of mixed marriages. The king had issued an edict in 1803, that in such marriages the sons should no longer be brought up in the religion of the father and the daughters in that of the mother, but that all legitimate children should follow the religion of the father, unless both parents made a different agreement. As in consequence of that arrangement mixed marriages were solemnised in the Old Provinces by Catholic priests without any opposition, a cabinet order in 1825 extended it to the Western Provinces, and prohibited the Catholic clergy from misusing their influence, to extort from the parties the promise to have all their children educated as Catholics. Nevertheless, the clergy repeatedly refused to publish the banns or perform the marriage until a written promise had been given to educate the children in the Catholic faith. Bunsen now, as Prussian envoy at Rome, was commissioned to bring about a papal instruction which should remove this difficulty, but at the same time the bishops were empowered to apply to Rome for fresh directions. Bunsen thought he had gained his object, when he obtained the formal promise, (1) that all mixed marriages which had been concluded '*extra formam Concilii Tridentini*' should be considered good; (2) that the priest might permit marriages, even without having received any promise as to religious education; (3) the bishop, in the same manner, in the cases when he may accord a dispensation to Catholics. The first was no concession at all, since the Catholic Church has never declared mixed marriages to be null and void, and the simple permission to celebrate them, without any promise as to religious education, by no means solved the difficulty. The Brief, which Pius VIII. then issued, together with the instruction to the Rhenish Westphalian bishops, failed entirely to

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[1] The Protestants were still worse off than the Catholics, being unable, if a divorce took place, to marry again. With regard to proselytism the Diet resolved (Art. III., § 5-10), that a Catholic, intending to join the Protestant Church, should declare his intention to the priest of his former religion in the presence of two witnesses, and repeat the declaration at the end of four weeks. The priest was then to give a certificate of his declaration; if he refused, the two witnesses could draw it up; and it was then to be given to the Protestant pastor. —'History of the Protestant Church in Hungary to 1850,' translated from the German by Dr. J. Craig, 1854, p. 441.—[Tr.]

Royal edict of 1803.

Papal instruction obtained by Bunsen.

Papal brief and instruction to Prussian bishops, March 25 and 27, 1830.

satisfy the Government. That Brief explicitly declared, that the Catholic Church had always disapproved of mixed marriages, and had only tolerated them on condition that the children should be brought up in the Catholic faith. It was the duty, therefore, of the bishops, to oppose such marriages by every means in their power; only, should the opposition of the clergy prove unavailing, the censure of the Church properly attaching to the offenders might be tacitly overlooked, and the priest might lend his passive assistance (*assistentia passiva*) at the marriage ceremony, but not perform any act which might seem even to imply approval of such marriages. To this last injunction the king refused his assent, no less than to the one that the bishops were to oppose the conclusion of such marriages, and he demanded that these points should at least be passed over in silence. But such an alteration of the Brief was the more impossible of acceptance at Rome, as meanwhile, with the elevation of Gregory XVI. to the papal chair, the Ultramontane party had become masters of the situation. Not only did the pope refuse to the French ambassador any modification of the terms respecting mixed marriages, but he even prohibited the Bavarian bishops from allowing the 'passive assistance,' and only upon the urgent representations of Louis I. permitted the censure of the Church against those who contravened her instructions to be winked at, and the banns published on the production of a certificate attesting that no impediment to the marriage existed beyond the prohibition imposed by the Church on account of difference of religion.

The government negotiates with the bishops.

Since nothing therefore was to be obtained at Rome, the government endeavoured to come to an arrangement with the bishops, and Bunsen was summoned for this purpose to Berlin, together with the archbishop of Cologne, Count Spiegel. The object now sought to be

Convention of June 19, 1834.

attained was so to interpret the Brief as to soften down, as far as possible, its application, and to enable the bishops to permit whatever was not expressly forbidden. As such points the archbishop conceded, in a secret convention with the cabinet (June 19, 1834), that all promises as to the religious education of the children should be dispensed with; and that the cases when only 'passive assistance' was to be rendered, should be reduced to a minimum, thus recognising by implication the marriage ceremony in all other cases.[1] Had this arrangement been carried out, the government of course would have gained in substance what they desired; that this was not done, Bunsen ascribes solely to the dilatory execution of the convention by the ecclesiastical department. The negotiations had not been concluded, when the death of Archbishop Spiegel in July put a new face upon affairs. This event undoubtedly contributed to the unfavourable turn the matter took, but it can scarcely be maintained that the interpretation given to the Brief was in accordance with its letter, since the papal missive prohibited every act that seemed even to approve of mixed marriages, including therefore the benediction by the priest. In this contradiction between the Brief itself and its explanation lay the necessary germ of new dissensions, for the priests could not fail to observe it, although the archbishop succeeded in obtaining the agreement of the bishops to his convention. This convention, as well as the instructions to be given to the clergy, was intended to be kept private, but even before it had entered into operation, it was divulged by a Belgian newspaper, and a storm of indignation arose in the Ultramontane press against this treason to Catholic interests. The cardinal secretary of state, Lambruschini, addressed a violent note to Bunsen, reproaching his government with evading the meaning of the Brief by means of a secret convention, and nullifying the principles on which it was based.

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[1] The following passage from a letter to the Crown Prince shows what Bunsen thought he had obtained: 'The bishops by the terms of the Brief will in future let the marriage ceremony be performed with all formalities, without the priest demanding any promise whatsoever. Only in the event of the bride exhibiting wilful and culpable levity when being reminded of her maternal duties—in other words, never—will the marriage ceremony be refused by the Catholic priest. In that case, however, he is bound to receive in the sacristy, without fee, the declaration of both that they are husband and wife, and to declare them in return to be such, and to inscribe their names in the Church register.' ('Correspondence' edited by Ranke, 1873, p. 25.)

Droste von Vischering archbishop of Cologne, 1836.

At this moment of tension, the Cabinet at Berlin committed the fatal mistake of recommending Baron Droste von Vischering, the suffragan bishop of Münster, to the Cathedral Chapter at Cologne, as successor to Archbishop Spiegel. According to Bunsen, this choice was prompted by the predilections of the Crown Prince for his strict ascetical tendencies. The Minister of Ecclesiastical Affairs had taken the precaution, it is true, to sound him, through a confidential agent, M. Schmülling, whether, in case he was appointed, he would adhere to the convention entered into by his predecessor. Droste replied that he 'should certainly beware of not upholding, and still more, of violating the convention entered into, *in conformity with the papal Brief*,' and that he would execute it, on the contrary, 'in the spirit of charity and the love of peace.' Notwithstanding, however, this assurance, couched, moreover, as it was, in somewhat ambiguous terms, the Cabinet should have remembered that Baron Droste had hitherto invariably shown himself the inflexible champion of Ultramontane pretensions; particularly when, as vicar-general, he had already come into conflict with the civil authorities by prohibiting the divinity students of his diocese to attend the lectures of Professor Hermes at Bonn. The civil governor of Westphalia, von Vincke, had been for years on terms of enmity with him and his brother, the bishop of Münster; and at Rome his character was so clearly understood that, when Bunsen announced there the intention of the king to recommend him, the cardinal secretary of state exclaimed involuntarily: 'Is your government mad?' But the Berlin cabinet considered itself protected by his promise, and Baron Droste was accordingly promoted in May 1836 to the archiepiscopal see. Only too soon had the ministers to learn how egregiously they had been deceived, and how accurate were those who, like Perthes, had predicted that his appointment would revolutionise the whole position of Catholicism in Prussia, and make a struggle inevitable. Very soon fresh complaints were heard against the refusal of the priests to solemnise mixed marriages. Droste, on being interpellated, declared that when giving the above-named promise he was ignorant of the terms of the convention itself, and had not since then taken any pains to ascertain them, as the convention had only been framed to facilitate the execution of the Brief, not to paralyse its effect. The Brief, he said, remained his standard of reference: he was willing to follow both as far as possible, but wherever the instruction could not be reconciled with the Brief, he should guide his conduct by the latter. On being asked by the royal commissioners to specify those points of divergence, he answered: Above all the marriage ceremony. He had instructed the clergy never to give the nuptial benediction until a promise had first been given to educate all the children as Roman Catholics.

The struggle had now fairly begun, and was soon to wax hotter. Immediately after the death of Spiegel, the pope issued a Brief (September 1835) condemning the doctrines of his *protégé*, Professor Hermes, and prohibiting

Droste von Vischering and the Hermesian professors.

the study of his writings.[1] Acting upon this Brief, Droste forbade the Catholic students of theology at Bonn to attend any longer the lectures of the Hermesian professors, although the latter had declared their readiness to submit their papers to him for inspection. He would only allow them to attend the lectures of Professors Klee and Walter, whose sentiments were known to be curialistic. Equally futile were the efforts of the curator of the university, who, by dint of liberal overtures, endeavoured to induce the archbishop to adopt a milder line of conduct. Droste, so far from yielding, required each candidate for orders, or for the office of confessor, to subscribe to eighteen theses, the last of which contained an illegal oath, promising absolute obedience to the archbishop, from whose judgment, according to the order of the Catholic hierarchy, no appeal was admissible except to the pope.[2]

Proceedings, such as this, the Prussian government refused to tolerate any longer in silence; for it was clear that the oath alone contained a direct attack upon the civil allegiance of the clergy to the crown. The Minister of Ecclesiastical Affairs informed the archbishop that it was

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[1] It cannot be disputed that the doctrine of Hermes, who accepted the dogmas of the Catholic Church merely because they were justified, in his opinion, by the postulates of reason, was not a Catholic doctrine in the Roman sense of the term. As long, however, as he and his patron, the archbishop Spiegel, were alive, Rome left him unmolested: the Brief was not published until a year after Spiegel's decease. The professors Elvenich and Braun went, indeed, to Rome, in order to procure its revocation, and to justify Hermesianism. But of course their errand was fruitless; they were simply required to surrender.

[2] The oath was as follows:—'Spondeo ac promitto archiepiscopo meo reverentiam et obedientiam in omnibus, quæ ad doctrinam et disciplinam spectant, sine omni restrictione mentali; meque ab archiepiscopi mei judicio, secundum hierarchiæ Catholicæ ordinem, ad neminem nisi ad papam, totius ecclesiæ caput, provocare posse et debere confiteor.'

His quarrel with the government.

impossible for him to continue in office, unless he submitted at once to the law; but that, in case such submission was contrary to his conscience, the king would allow him to resign the archbishopric, without any proceedings being taken against him for what had passed. This offer Droste rejected, and announced to the chapter and clergy of Cologne that the government was seeking to thrust him from his archiepiscopal throne in revenge for his demands respecting mixed marriages, but that he should know how to defend the rights of the Church. Alarmed by the excitement kindled throughout the country by this language of defiance, fomented, as it was, moreover, by ecclesiastics in Belgium, the government thought it necessary to interfere with energy and decision. Bunsen himself urged this step, since nothing more could be done by negotiation. The Vatican, he said, imagined that the government would not venture to take action; and not until that illusion was dispelled could anything be gained at Rome. Accordingly, Droste was informed that, in case he insisted on his last declaration, he could no longer be allowed to exercise his spiritual functions, nor even to reside in his archdiocese; but that, in the event of his resigning at once all further duties connected with his office, he would be permitted to choose in Westphalia any place of residence he liked. As the archbishop, however, declined to make any promise, and declared that he would only yield to force, he was arrested and removed to Minden, but not until his secretary had succeeded in burning the papers, which justified the charges of the government.[1] Bunsen even afterwards expressed his

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[1] Some letters of his, however, discovered by means of a search-warrant, and authenticated as in his handwriting, were published in the 'Allgemeine Preussische Staatszeitung,' May 7, 1838. They show that he had long entertained a design to introduce the Jesuits. See Quart. Rev. vol. lxxxiii., p. 101.

Unpopular severity of the government.

opinion that by this prompt action the Cabinet had avoided a serious conflict, for the archbishop had intended to take refuge in the cathedral, to plant himself before the altar, to order the doors to be opened, and to challenge open force. Considering the man, such a step was probable enough; but if the ambassador expected that the action of the government, in thus making 'the Prussian eagle,' as he expressed it, 'bring its pinions to strike with effect,' would exert a wholesome terror upon the hierarchy, while giving time to enlighten the people as to the dispute, he was egregiously deceived. The bishops, in a letter to the king, publicly retracted their assent to the convention, and not only did the government find no support among the people, but the latter saw in the arrest of Droste nothing but an arbitrary measure of an odious absolutism, and passionately espoused the cause of the archbishop, who had hitherto been extremely unpopular. Nay, even the Hermesians, who had felt his lash, joined cordially with their former opponents in repelling this invasion of ecclesiastical rights. The South German as well as the foreign press rose with indignation against this attack upon the liberties of the Church. Görres, above all, by his 'Triarier,' and 'Athanasius,' to whom he absurdly compared the suffering Droste, produced a powerful impression. This tone of public sympathy was intensified by the conduct of Rome. A few weeks after the arrest of the archbishop, the pope issued an Allocution, which was presented to the entire diplomatic body, in which he denounced emphatically the 'violation of the liberty of the Church, the usurpation of her sacred jurisdiction, this trampling under foot the rights of the Catholic Church and of this Holy See.' Bunsen's attempt to put matters straight again by means of fresh negotiations was hopeless, therefore, from the very first: he only compromised his government by declaring that the measure had been solely a provisional one; that the king had never intended to exercise an act of jurisdiction, or to assert the right of deposing, or even of suspending, the archbishop as such; that he had reserved, on the contrary, the canonical judgment to the pope. To this the secretary of state simply replied, that there could be no question of any negotiation, until the archbishop had been restored to his diocese. Under these circumstances, the elaborate *publicandum* of the ministers, written to justify their proceedings, was as powerless to produce any permanent impression, as the scattered Protestant pamphlets which endeavoured to defend them. The only favourable circumstance was that the chapter at Cologne, whom Droste had embittered by his imperious rule, and who had complained in 1837 of his tyranny to the pope, evinced goodwill towards the *interim* administration of the archbishopric.

Conflict with the archbishop of Posen.

The conflict, meanwhile, had been aggravated by the archbishop of Posen, Dunin, declaring to the government, after the issue of the Brief of 1830, that he could no longer allow the principles laid down in such a papal edict to remain unheeded in his diocese. The government replied that a Brief, intended for the Western Provinces, did not concern him at all; matters, therefore, must continue to be guided by the practice hitherto prevailing, and which he himself as Capitulary Administrator shortly before had recognised. The archbishop insisted that the will of the head of the Church thus formally expressed was binding on all Catholics alike, and early in 1838 addressed a pastoral to his clergy, threatening with suspension every priest who should solemnise a mixed marriage without promise being given of a Catholic education for the children.[1] All exhortations and negotiations remained fruitless, especially as the pope, in a fresh Allocution, declared his full approval of the conduct of Dunin, adding, that the government was plotting to tear away the Catholic population of Prussia from the true and sole centre of their Church. Penal proceedings were forthwith instituted against the prelate. He protested, but in vain, on the ground of the incompetence of the court. He was sentenced to six months' imprisonment in a fortress, and declared incapable of ever resuming office. The king absolved him from imprisonment in a fortress, and ordered him to remain for the present at Berlin, but he returned notwithstanding to Posen, whereupon he was arrested and removed to Colberg.

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[1] A Russian ukase, published in Poland at this time, enjoined that if either of the parents belonged to the Greek religion, all the children should be educated in that faith.—[Tr.]

Mistakes of the government.

In surveying the tangled history of this dispute, we cannot but confess that the government had taken up a false position from the first. They proceeded on the assumption that matters were still exactly as they had been under Frederick the Great, when the hierarchy in its weakness yielded at least a tacit obedience to the civil law. The time when, perhaps, a tolerable agreement might have been effected, passed by unused; the first steps of Ultramontane aggression were not resisted with any energy; the government at that time imagined that the Church of Rome was too feeble to prepare any serious embarrassment for the secular power. Bunsen, in particular, wholly failed to understand the altered position of affairs at Rome; he undervalued the power of that hierarchy, 'whose excesses leaned on nothing firmer than the influence of superstition upon the conscience:' just as if this very influence, to judge from all historical experience, had not always been the most powerful lever in human affairs. He hoped to quell religious fanaticism by a genuine education of the clergy, and 'by maintaining the gymnasia, seminaries, and Catholic faculties in good harmony with the episcopal authorities,' entirely forgetting that for this purpose the goodwill of those authorities was indispensable. In the next place, in Prussia, the king's will was law. An instruction, addressed by the Minister of Public Worship to the curator of the University of Bonn, distinctly stated that the Crown alone was the supreme fountain of ecclesiastical as of civil law, so that the head of the Church could not regulate her religious life by means of any ordinances or decrees, except with the previous knowledge and approbation of the king.

Frederick William III. was conscious of the best intentions, on his part, to deal justly by his Catholic subjects, and believed that he ought to promote mixed marriages, in order to make the two confessions draw near to each other.[1] Since now the clergy in the Eastern Provinces had hitherto complied with the edict of 1803, he saw no reason why that edict should not be extended to the Western; but he never anticipated that by so doing he would touch a problem which could never be solved by the efforts of a well-meaning bureaucracy. This edict even in itself was open to attack, inasmuch as it made the religion of the father, in the absence of any contrary agreement, determine the education of all the children, whereas fairness demanded that the sons alone should follow the religion of the father and the daughters that of the mother, unless the parents made a voluntary agreement otherwise. But, besides this, matters were wholly different in the Rhenish provinces. There, since the time of the French domination, civil marriages existed, which gave to those who refused to yield to the demand of the clergy, with respect to the education of the children, the power of contracting valid alliances. But so far was the government from regarding that arrangement as an advantage, to say nothing of extending it to the whole of Prussia, that Bunsen actually held out to the Vatican the prospect of abolishing civil marriages altogether, if the pope would show compliance with the wishes of the king. When now the opposition against the cabinet order began, two courses were open for the government to pursue—namely, to negotiate with Rome or with the archbishop. The Brief of 1830 proved how the situation had been mistaken in choosing the former, whereas an arrangement might easily have been effected with the archbishop, as is evident from the convention of 1834. Even at Rome they remarked to Bunsen: 'Why do you demand everything from us? Let the bishops do their part; a peaceable understanding between you and them will be sufficient for us.' But the Brief was there, and the attempt to evade its distasteful provisions by a convention with the archbishop, which it was impossible to reconcile with the Brief, could not fail to defeat the object proposed, since that convention could no more be kept secret from the Vatican than from the people, and the former was obviously bound to protest against it. Finally, the measure of imprudence was filled by promoting a fanatical Ultramontane to the archbishopric. Droste can scarcely have been honest in saying that when giving his promise to observe the convention, he was wholly ignorant of its contents, and had taken for granted its having been concluded 'in conformity with the Brief.' Certain it is, however, that the contradiction between the two documents existed. The government, by its conduct, had placed itself in this dilemma: it could not tolerate the open resistance of the archbishop, nor could it solve the difficulty by any measures of coercion. In Posen the situation was the same, only that the archbishop there could not be reproached with any *mala fides*, since one can scarcely blame a Catholic ecclesiastic for regarding a papal Brief as the guide for his conduct. All the other bishops of the Eastern Provinces declared in like manner their adherence to it, with the exception of the prince-bishop of Breslau, who, however, found himself obliged in 1840 to resign his see.

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[1] The same notion suggested the edict that Catholic soldiers should attend once a month the Protestant military service, and *vice versâ*, the execution of which order the king was only induced to suspend by the urgent representations of Bunsen.

I cannot therefore consider it an act of weakness that Frederick William IV., at his accession to the throne in 1840, complied with Dunin's request to be allowed to return to his diocese, notwithstanding that the prelate refused to retract, and merely directed his clergy, since the laws of the country did not allow the promise as to religious education, to avoid anything which might seem to imply the concurrence of the Church with those laws, consequently to refuse any religious act, including even passive assistance.

Conciliatory measures of Frederick William IV.

As for Droste, the king saw clearly that he could not allow him to return to the see of Cologne, and as Rome recognised the more conciliatory attitude of the new government, an agreement was made upon the basis that Droste himself should renounce all idea of returning,[1] and accept Geissel, the bishop of Speier, as coadjutor, a prelate, quite as hierarchical indeed in his sentiments, but whose manners were more complaisant, and who for this reason had been recommended by King Louis as a moderate man. The king met still further the wishes of the clergy, by abolishing the *Placet* and permitting free communication of the bishops with Rome. The Hermesian professors at Bonn were summoned to submit; those who refused were prohibited from giving lectures, but were permitted to retain their salaries. Neither of these measures can seriously be blamed. The *Placet* had proved in the Cologne dispute a thoroughly ineffective weapon, the Brief being everywhere obeyed, although it had never received the royal assent. Again, the restrictions imposed on the intercourse of the bishops with Rome had become untenable with modern postal relations, and only led to clandestine correspondence. The reservation that the government expected to be informed of the contents of all communications with Rome, and that no papal decrees affecting the State and its civil relations should be published or executed without its consent, proved indeed wholly impracticable.

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[1] Droste never forgave the pope for not insisting upon his complete restitution.

With regard to the Hermesian professors, so long as any Catholic faculties existed at all, it was impossible to allow any doctrines to be propounded in them, which the pope had expressly condemned. On the other hand, the king undoubtedly was guilty of a grave blunder in establishing a Catholic department in the Ministry of Public Worship, and it was not without good reason that Görres hailed that step as a signal victory to his cause. Experience has amply shown that the Catholic councillors of this department, though charged with the maintenance of the sovereign rights of the State, have laboured solely to extend the rights of their Church.

Triumph of the Curia.

Though the quarrel was over for the present, peace was purchased by the triumph of the Vatican, and this success stimulated the advance of Ultramontanism as powerfully as had previously been done by the exasperation at the violent measures of Frederick William III. The Catholic Church accepted the peace, proposed by the king, merely as a stepping-stone to further aggression. Bishops who discountenanced these Ultramontane tendencies within their dioceses, were denounced at Rome and to their flocks, and every means was taken to render unpleasant the performance of their duties. The most prominent example of this terrorism was the noble prince-bishop of Breslau, Count Sedlnitzky, who voluntarily resigned, to prevent interminable conflicts.[1]

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[1] We are bound, of course, to admit, as he states in his autobio-

All this produced of necessity an effect upon other German states, especially Bavaria, where just as much as at Vienna the government had remained, with malicious and ill-dissembled joy, the spectators of the embarrassments of the Prussian government in the Cologne dispute, and had done nothing to restrain the violent polemics of Görres and others. Not without reference, moreover, to the perplexities of Prussia, was the promotion at that time of the Ultramontane Councillor of State, von Abel, to the head of the ministry, which governed in a pure party spirit for nearly ten years. Munich became the centre of restored Catholicism, which led the struggle for the liberty of the Church and against Protestantism, especially in the 'historico-political journal' founded by Görres. King Louis, nevertheless, clung firmly to his rights of sovereignty and held certain views, against which all the representations of his minister were fruitless. He would hear nothing of the admission of the Jesuits, and favoured the Benedictines as men whose religion was imbued with a taste for learning. But the contradictory elements of his character showed themselves in this, as in the political sphere. Just as, in spite of his Teutonic enthusiasm, he watched zealously over the maintenance of Bavarian independence and the rights of the Crown, so he was not prevented by his patronage of culture from being a thoroughly Catholic ruler. On the contrary, he admitted the Redemptorists, who now organised on a large scale the system of missions in the Catholic provinces, until the king's attention was drawn to their abuses, whereupon he made the establishment of each mission subject to his special sanction. Not before the refusal, however, to sign the patent which was to raise the notorious Lola Montez to a countess of Landsberg,

The Abel ministry in Bavaria.

graphy, that he no longer stood on Roman Catholic ground. Indeed, he went over, later on, to the Evangelical Church.

was the Abel ministry overthrown, and the lively sympathy the Cabinet met with from the Catholic party exposed the latter to the enmity of the king.

In the other German states, meanwhile, the Ultramontane spirit was stirring; in Würtemberg, perhaps, least of all; in Baden not until the Archbishop von Vicari had taken the helm, and prohibited the solemnisation of mixed marriages, without a promise of Catholic education. The same thing was done by the bishop of Fulda, who prevented also the intended establishment of a Catholic faculty in Marburg. In Hesse-Darmstadt two moderate bishops, following each other in succession, maintained intact the good understanding with the government.

Revival of Catholic superstitions. The 'Holy Coat of Trèves,' 1845.

Closely allied with these efforts of the Catholic party to rekindle among the people an enthusiasm for the faith, were their constant and successful endeavours to put once more in motion the whole machinery of pilgrimages, processions, and the worship of relics. Of this last absurdity the example which excited the greatest sensation was the exhibition, in the autumn of 1845, of the 'Holy Coat of Trèves,' a display of which, announced in a circular by Bishop Arnoldi of that town, attracted upwards of a million and a half of pilgrims. The Prussian government opposed no obstacles to this solemn mummery; but such a farce—to use the mildest term—might well provoke the criticism of the sober-minded, who showed that tradition equally pointed to the existence of twenty other so-called seamless coats of Christ.[1] Even a Catholic priest, Johannes Ronge, revolted with indignation against the exhibition as a piece of rank idolatry and imposture, and declared in a public protest to Arnoldi, whom he described as the 'Tetzel of the nineteenth century,' that, as bishop, he ought to know that Christ had bequeathed to His apostles and disciples, as to all His followers, not His coat, which belonged to the executioners, but His Spirit. This letter, rhetorical and badly-worded as it was, created a profound impression at the time; the first edition of 50,000 copies was sold at Leipzig in a fortnight. It was the testimony of a Catholic against a Catholic scandal, and the approbation it met with, even within that Church, showed that the victory of Ultramontanism was not so universal as had been supposed.

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[1] See 'Der Heilige Rock zu Trier, und die Zwanzig andern Heiligen Ungenähten Röcke, Eine Historische Untersuchung,' von J. Gildemeister und Dr. H. von Sybel: Bonn, 1845. This erudite treatise points out, that if Leo X. asserted the genuineness of the coat at Trèves, his equally infallible predecessor had done the same for the coat at Argenteuil, and other pontiffs had given the preference to that in the church of St. John Lateran.

The German Catholic Church.

At the time, indeed, when this protest appeared, it was not generally known that Ronge was already at variance, not only with the Roman Catholic Church, but with Christendom in general. What he wanted was the formation of a German Catholic Church. And soon a general movement arose in that direction. The Catholic community of Schneidemühl, in Posen, was the first to follow his example, by seceding in a body, as a German Catholic Church—a step which they justified in a statement of nine articles, accompanied by a formal confession of faith. Similar congregations were formed in other places; and at Easter, 1845, the first General Council was held at Leipzig, for the purpose of arranging a common basis for the new Church. It was there abundantly shown, that while it was possible to agree in the purely *negative* position of separation from Rome, opinions were by no means clear or unanimous as to the *positive* creed to be adopted for holding the new fabric together. Outside the original grounds of secession—such as papal authority, the celibacy of the priesthood, auricular confession, and service in an unknown tongue—all was contrariety and discord. Thus the congregation of Schneidemühle had retained all seven sacraments; others would have only two; it had adhered to transubstantiation; others had rejected that doctrine.[1] All that they finally agreed on was a vague declaration of belief in God the Father, Jesus Christ the Saviour, and the Holy Ghost; in a holy, universal Christian Church; in the forgiveness of sins, and in life everlasting. At first, indeed, it seemed as if another Catholic priest, John Czerski, who had already formed a so-called Christian Catholic community, would adopt a more positive line of conduct: but he united with Ronge in a common struggle against Rome. Ronge soon proved himself a vain and hollow man, who, intoxicated by his sudden fame, had no stuff in him whatever for a Church Reformer. That the Protestant Rationalists agreed with him should occasion no surprise; but that a man like Gervinus should have hoped to see this movement give birth to a National Church, based solely on Christian morality and divested of all dogma, can only be explained by his total misconception of the power required to constitute a Church. It was an easy thing, no doubt, by stripping off every shred of dogma, to improvise soon enough a kind of German Catholicism; but for this very reason it became more and more void and formless, and finally perished, without leaving a trace behind it, in the events of the succeeding years.

Ultramontanism in Switzerland.

As the German Catholic movement, however, notwithstanding its want of internal strength and cohesion, had testified to the existence of a powerful countercurrent against the growing pretensions of the clergy; so, just before the close of the period now under review, a similar agitation was produced in Switzerland by the question of the Sonderbund, and the complications to which it led. In that country, as elsewhere, Ultramontanism had raised its front with ever-growing audacity. The redistribution of the dioceses after 1815 had practically subjected the Catholic population to the dominion of the papal nuncio, and under his influence the Jesuits found admission into Friburg and Valais. The Revolution of July had led to the overthrow of the aristocratic governments in most of the cantons; and as a counterpoise against these victories of the Liberals, the Ultramontanes formed in 1831 the Catholic league of Sarnen, consisting of seven Catholic cantons. From that time forward the estrangement between the rival confessions increased; and Church questions gave the clue to politics. At a revision of the cantonal constitution of Valais in 1844, the Catholic party had succeeded in obtaining the exclusive toleration of their religion, and the prohibition even of private worship to the Protestants. In Aargau, on the contrary, where the Radicals gained a majority,[1] the Great Council in 1841 had decreed the suppression of all religious houses, and had confiscated their property to the canton, for purposes of religious worship, education, and charity. The seven Catholic cantons—Lucerne, Uri, Schwytz, Unterwalden, Zug, Friburg, and Valais—protested against this measure at the general Diet, on the ground that Article XII. of the Federal Pact had guaranteed the maintenance of convents and chapters, together with their property.[2] The deputies at the Diet were undecided, and simply

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[1] For the various confessions of faith see Laing's 'Notes on the Schism from the Church of Rome, called the German Catholic Church': London, 1845. The 'Apostolic Christians,' by H. Smith (London, 1845), is also a work of much interest.—[Tr.]

Catholic league of Sarnen, 1831.

Suppression of convents in Aargau.

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[1] A disputed election at Zurich in 1845, which was carried by the Radicals, gave them a majority in the general Diet of the Confederacy.

[2] 'L'existence des chapitres et couvens, la conservation de leurs propriétés, en tant que cela dépend du gouvernement du canton, sont garanties. Ces biens sont sujets aux impôts et aux contributions.' (Art. xii)

passed a resolution disapproving generally of what had been done, and requiring that it should be modified, but without prescribing how. Angry debates followed in 1841 and 1842. The Argovian government offered at first to restore three-fourths of the suppressed female convents; but this compromise was rejected by the Diet; and the dispute was only ended by their offer in 1843 to surrender them all.

Disturbances created by the Jesuits.

But the question of the Jesuits led to far more serious commotions. They had already settled in considerable numbers in Friburg and in Valais, where in the contest with the Liberals, between 1840 and 1844, they actively supported the Catholic hierarchy. At the Grand Council of Aargau in 1844, M. Keller, the director of the Catholic seminary, who had already obtained the suppression of the convents, succeeded in carrying his motion for the expulsion of the Jesuits, though the proposition introduced by the Argovian deputy was defeated at the general Diet in July. The excitement shortly afterwards grew intense, when the presiding canton of Lucerne, after an animated debate in the Grand Council (October 24), resolved to call in the Jesuits and entrust them with the conduct of public instruction. The majority appealed to the fact that the management of education was an attribute of cantonal sovereignty, and that the legislature of Lucerne had as much right to entrust the Jesuits, who had already settled in Friburg and Valais, with the work, as had Zurich to appoint David Strauss to a chair at the university. From a legal point of view this argument was unassailable; but the measure resolved on was executed with extreme terrorism over the Liberals, and the installation of the Jesuits produced tremendous commotion. Free bands of volunteers, under Colonel Ochsenbein, attempted to force their way into Lucerne and assist the Liberals. Revolts broke out in other cantons: at Berne the leader of the Catholic party, Jacob Leu, was assassinated. In face of this outbreak the seven Catholic cantons resolved to place themselves in a state of defence, and to repel, by means of an armed and separate league, all attacks upon their territory and on the sovereign rights which had been guaranteed to them by the Federal Pact of 1815. The legality of this league was discussed at an extraordinary Diet, the objection being founded on Article VI. of the Pact, which declared that 'no alliance shall be formed by the cantons among each other, prejudicial either to the general Confederacy, or to the rights of other cantons.' The Radical party in the Diet, under the leadership of Ochsenbein, who had been elected President, succeeded in carrying a resolution (July 20, 1847) that the Sonderbund was incompatible with the constitution; and another (September 3) that the Jesuits should be expelled from Switzerland, as dangerous to the public peace, which the Confederation was bound to protect. The Diet thereupon issued a proclamation dissolving the Sonderbund; but the latter repudiated the decree, and the consequence was civil war. Want of concert among the great powers prevented the mediation contemplated in particular by Austria and France.[1] General Dufour, the Federal commander-in-chief, rapidly conquered

The Sonderbund declared illegal.

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[1] Guizot, as Metternich afterwards told Bernhard von Meyer, the former secretary of state at Lucerne, urged Austria to march her troops into Switzerland in order to give France a pretext for following her example. The cabinet at Vienna hesitated to take this step, and thus Dufour gained time to crush the Sonderbund. That Metternich, after long wavering, should have taken the part of the Sonderbund, is intelligible enough; but not that France should do the same. Count Rossi emphatically condemned Guizot's policy. 'By all means,' he said, 'let us make common cause with Austria on all points of really common interest; but if once we espouse her principles or connect ourselves, however remotely, with her system, we are lost. Conservatives indeed we are, but always liberal-conservatives. If we pursue a different course in the Swiss affair, as it seems likely we shall, then I fear for the

Friburg and Lucerne,[1] whereupon the remaining cantons of the Sonderbund voluntarily laid down their arms, and complied with the resolutions of the general Diet.

Triumph of Liberalism in Italy.

Liberalism had thus achieved a victory, the results of which were becoming daily more momentous. But it was destined to celebrate a still greater triumph, and that in the very centre and stronghold of Catholicism, when a pope was now elected, who placed himself at the head of the movement for reform. The state of Italy, at the death of Gregory XVI., was critical in the extreme; the Prussian ambassador, Count von Usedom, describes it as follows: 'On all sides,' he writes, 'I found discontent with the present political stagnation, an uneasiness which would either itself accomplish, or at least tolerate, the overthrow of all existing institutions. Outwardly, indeed, there was still a general calm; but the current of the universal movement had already seized the minds; rapidly—nay, daily more rapidly—it was eating through the slender covering of ice, which lay in silence on the surface. That movement had long since stepped out from its phase of conspiracies and Carbonari-lodges into the light of social life. It ruled at that time the whole intellectual portion of society in Italy. Persons of education and of property, the higher no less than the middle classes, had become imbued with the ideas of political liberty and national independence, and professed those ideas openly and without exception, whatever their other diversities of opinion. This general unanimity of sentiment rendered the current of progress irresistible, the catastrophe inevitable. The system of Gregory XVI. belonged to those which can never be bequeathed, precisely because it was recognised

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continuance not only of this ministry, but even of the government; nay, even of the dynasty itself.' ('Political Letters,' p. 86.)

[1] General Dufour's own account of this campaign has been published posthumously by Sandoz, of Neufchatel, 1875.

to be untenable. The Conclave rejected its representative, the former Secretary of State, Lambruschini, and elected the gentle Cardinal Mastai Ferretti, who ascended the papal throne as Pius IX.'[1]

Pius had enjoyed but a slender school education; only from the age of eleven to sixteen had he boarded at a college of the Piarists at Volterra; he had never been to a University. Being at Rome in 1815, he applied for a commission in the corps of the papal guard of nobles, but failed to obtain it, from his tendency to suffer from epileptic fits; and the next year accordingly he entered the Church, and commenced his theological studies—never, indeed, very profound—under Father Graziosi. A long sea voyage being recommended to him for his health, he went in 1823 as secretary to the nunciature to Chili, whence he returned substantially cured. In his subsequent career he gained distinction from his zeal and activity on behalf of benevolent institutions, as well as by his preaching and his efforts to improve Church music. Archbishop of Spoleto in 1827, he was made cardinal in 1840 by Gregory, and six years later became cardinal bishop of Sinigaglia, his birthplace. So little had the thought entered his mind of the triple crown being conferred upon himself, that he went to the Conclave with nothing but a travelling bag. As the ballot proceeded, the number of his votes gradually increased. At the third *accessus*, on the morning of the second day, when chosen scrutineer, he read his name

Election of Pius IX., June 16, 1846.

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[1] 'Politische Briefe und Characteristiken,' 1849. Still bitterer is the description given by the duke of Sermoneta: 'Assassination,' he said, speaking of the murder of Rossi, 'is almost the only classical custom which we have preserved. In other things we are more Turkish than European. . . . Our system of government is eminently Turkish. It consists of a central despotism and provincial despots, whom *they* call pashas and cadis, and *we* call cardinals and prelates in the provinces.' (Senior, 'Journals in France and Italy,' ii. 99.)

CHAP. XIX.

twenty-six times. This frightened him excessively: with a trembling hand he unfolded the papers at the fourth balloting, held that same afternoon. On finding his name repeated eighteen times in succession, his emotion overpowered him, and he was forced to pause before continuing his scrutiny. The balloting and *accessus* ended on the second day (June 16), in his being chosen unanimously. The next morning the Cardinal Riario Sforza announced the election to the people, amid the thunder of the cannon at the castle of St. Angelo.[1] That same day, but twelve hours too late, Cardinal Gaysruck arrived with instructions to the Austrian ambassador to insist on the right of veto against the election of the new pontiff.

And Austria was right in her alarm at this election, for the new pope was not only an enthusiastic Italian, but felt it his duty to break with the old *régime*, and to fulfil the promises put forward, but not observed, by his predecessor. He wished to inaugurate a new policy of love and confidence towards his people. Without fear or hesitation, undeterred by the counsels of distrustful friends, he began by publishing the Amnesty, which restored to life thousands of exiles and prisoners, many of whom had asked in vain of what their crime was supposed to have consisted. The impression produced by this act was prodigious. On September 8, the people accorded Pius a solemn ovation on his way from the Quirinal to the Santa

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[1] The newly elected pope announced his election to his brethren at Sinigaglia in the following letter:—

'Rome, 16 June, 11¾ o'cl. in the afternoon.

'The good God, who abases and exalts, has condescended to raise me out of nothing to the highest dignity on earth. His holy will be praised!

'I recognise indeed the enormous burden which has thus been placed upon me; equally do I recognise how insufficient, not to say, how wanting altogether is my power to support it. Prayer therefore

Maria del Popolo. 'Slowly his gilded coach moved along the Corso, which was covered with flags, wreaths and inscriptions. Before him, clad in humble garb, trooped the crowds of the amnestied, and with branches of palm paved the way for him through the jubilant multitude, who hailed him as the herald of peace.'[1]

His political reforms.

A new municipal constitution for Rome soon followed. Deputies were summoned from the provinces to a State consultation, and a deliberative assembly was thus formed. A civic guard was next organised; greater liberty was given to the press; the laying down of railroads, prohibited by Gregory, was sanctioned; laymen were promoted to offices of State. All these measures rapidly raised Pius IX. to an unexampled pitch of popularity, and when he finally protested against the occupation of Ferrara by the Austrians,[2] he was the national hero of the whole of Italy; even Mazzini placed his hope in him. It is certain that all this was not mere weakness on the part of Pius. The rule of Gregory XVI. had heaped up so much discontent, that his successor was obliged to choose a different path. The Roman people were firmly resolved that the Papal States should no longer be the only

is needed. Beg and pray for me, my brethren! The conclave has lasted eight-and-forty hours.

'Should the town on this occasion desire to arrange a public demontration in my honour, then take the necessary measures of precaution. My most lively wish is, that whatever sum might be fixed for this purpose should be devoted to some object conducive, in the opinion of the civil authorities, to the public welfare.

'As to you, my dear brethren, I embrace you in Jesus Christ with all brotherly fullness of heart; and I entreat you, so far from rejoicing, to have pity on your brother, who bestows upon all of you his apostolic blessing.

'PIUS IX.'

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[1] 'Politische Briefe,' p. 230.

[2] Antonelli at that time expressed his regret that his cardinal's cloak prevented him from drawing his sword against Austria.

country in Europe governed by priests according to the canon law.

But one thing was overlooked. Pius IX. was willing to be as national and politically liberal as the circumstances allowed, but he was in no way inclined to let toleration and enlightenment prevail in Church matters. The Encyclical of November 9, 1846, on his assumption of office, was so sharply Ultramontane as openly to represent even at that early period the principle of infallibility. Bitterly and in sweeping language he accused the age of waging the most fearful war against the Church, not only the Atheists, 'but also those who dare to interpret the word of God according to their own opinions, or by the light of their own reason, whilst God Himself has set up a living authority to teach the true meaning of His divine revelations, and to adjust all disputes in matters of belief and morals by an infallible verdict. Therefore, the word of God must be taken wholly in the meaning which this chair of St. Peter at Rome has determined, and shall determine in future.' Here then we find an almost literal assertion of the claims sanctioned twenty years later by the Vatican Council. The pope specially secured himself by his Allocution of December, 1847, against any inference being drawn as regards his spiritual, from his political position, and he protested against the notion, that he could ever seek to derogate in the least degree from the authority or traditions of the Holy See. He designated it as the most grievous injury to himself, if anyone should infer from his benevolent measures in the states of the Church, that he believed that salvation was possible outside the Catholic Church; of such a supposition he could not sufficiently express his abhorrence.

Encyclical, Nov. 9, 1846.

Pius IX. therefore has never from the very first allowed any doubt to exist as to his relations towards the Church, but he failed to discern the discrepancy inherent

His contradictory conduct and character.

in his conduct, so different in the spheres of politics and of the Church, a discrepancy destined so soon to be revealed. In this sense Prince Metternich was right, when, on hearing of the papal reforms, he exclaimed that a liberal pope was the crowning folly of the day. But the personal character of Pius IX. serves further to explain the conflict which ensued. He is excellent in heart, pure in morals, simple, gentle, kind, liberal, sincere, after his manner pious; but he is weak, obstinate, narrow-minded, without any ideas of his own, and extremely vain. He cannot think clearly or reason acutely, but acts upon the impulse of the moment; he has little knowledge, and is as superstitious as a Neapolitan fisherman. He frequently changes his views and inclinations, but does not easily pardon those who may have offended against his authority. He is one of those few popes who has not enriched his family; he is a stranger to luxury, but he is accessible to flattery, and believes that men are easily led by it; he has a profound distrust of independent minds. The Papal See, at such a critical time, could not have found another man, so honourable in general, and yet so dangerous.

CHAPTER XX.

THE STATE AND THE PROTESTANT CHURCHES, 1815—1848.

Protestant Revival after the French Revolution—Anti-Rationalistic Movement under Schleiermacher—Prussia: Church Reforms of Frederick William III.—'Evangelical Union' of Lutherans and Reformed—Synodal Constitution of the New Church—Introduction of the 'Agenda'—Clerical Resistance under Schleiermacher—Persecution in Silesia—Presbyterian Constitution in Westphalia and the Rhine Provinces—General Failure of the 'Union'—Frederick William IV.—His dislike of Monarchical Episcopacy—His Scheme of Church Organisation—Ordination Formula of 'Union' Theologians—Endowment of Evangelical Church—Germany: Evangelical Union in Nassau—in Rhenish Bavaria—in Baden—in Rhenish Hesse—Hostility of Catholic Government in Bavaria—The 'Genuflexion Decree'—Austria: Persecution of Protestant Zillerthalers in Tyrol—General Progress of German Protestantism—Theological Parties—Liberalism and Free-thinking—Switzerland: Mischievous System of State Domination—Formation of Free Churches—Netherlands: Re-constitution of the Protestant Church—Free Church in Holland—France: Ill-treatment of Protestants—Russia: Persecution of Lutherans in the Baltic Provinces—Great Britain: Removal of Civil Disabilities from Dissenters—The Tractarian Movement—Early Phases of Ritualism—Lay Patronage in Scotland—The Veto Act—Collision between Church and State—Disruption of 1843—Formation of the Free Church—United States: Separatist Principles of Church and State.

Protestant revival after the Revolution.

If the corresponding reaction in the Church evoked by the French Revolution affected Catholicism substantially in the sense of a revival of its hierarchical principles, that reaction was bound to produce in Protestantism an internal change, in conformity with its principles, and a reawakened consciousness of the ideas from which it had sprung. Here the manly philosophy of Kant and Fichte, and the obscure but intellectual speculation of Schelling, had prepared the road. In concert with the Romantic school they dethroned and destroyed the dull rationalism of so called common sense. Their labours gave birth to the man who was destined to bring about a new era in theology, Frederick Schleiermacher. His writings first revived the doctrine that religion was not a mere appendix to morality, not mere learning, but a direct fact of human existence rooted in the mind. Starting originally with pantheistic ideas, his early opinions betrayed strange aberrations from Christianity, and he wrapped his idealism in the mists of an ambiguous phraseology. But by visible degrees he developed his views into a more positive belief, and his pulpit became the rendezvous of all who felt the urgent pressure of a deeper religious want. When the catastrophe of 1806 occurred, he leagued himself with those who aspired to accomplish the salvation of the Fatherland by a moral and religious regeneration of the nation. That object found its fulfilment in the wars of liberation; and the jubilee of the Reformation was celebrated in 1817 with the enthusiasm of a re-awakened people.

Frederick Schleiermacher, 1768–1834.

This religious revolution, which with Schleiermacher led to a totally new development of theology (we name only Neander, Bleek, Nitzsch, Lücke, Hase, Ullmann, Tholuck) could not fail soon to acquire a corresponding influence on the formation of the religious community, the Church; and Frederick William III., who in the hard school of adversity, through which he had passed, had become a profoundly religious man, himself took in hand the work of reform. Already, before the wars of liberation, he had occupied himself with a reconstitution of the Protestant Church, and he saw that it was no longer possible to maintain the union of civil and ecclesiastical authority. Accordingly he made the first step for the re-establishment of a Church constitution, by decreeing in 1815 the institution of provincial authorities under the name of

Church reforms of Frederick William III.

Consistories. But he also thought that the time had now arrived for giving practical effect to the idea of union,[1] which had been transmitted to him as the inheritance of his ancestors; and in this sense had already been constituted the theological faculty of the new University at Berlin. The union he desired was quite as little a work of calculating political wisdom as of confessional indifference; it was the pure outflow of personal piety and Church sentiment. He was far from underrating indeed the value of the evangelical confessions of faith; he understood perfectly well that a Church requires a definite creed, since the principle that the Holy Scriptures are the standard of doctrine becomes objectless, when no doctrine exists whereby to define that creed in contradistinction to those of other Churches. He rejected therefore the proposals of henceforth simply binding the clergy to the Gospel, since its authority was invoked equally by the Catholic as by the Greek Church, and by all sects, but just as differently interpreted. Quite as little did the king take his stand on exclusively Calvinistic principles. Predestination was a doctrine he could not reconcile himself to, and he found that Luther's conception of the Lord's Supper was the more profound and intrinsically the more complete of the two. But he believed that the differences between the two branches of the evangelical Church had lost their meaning, that the unity of both was of prior importance, and that everything depended on opposing to the spirit of free-thinking a regulated Church system resting on positive foundations.

His project of Protestant union.

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[1] Compare Mühler, 'Geschichte der evangelischen Kirchenverfassung der Mark Brandenburg,' 1846; J. Müller, 'Die evangelische Union, ihr Wesen und ihr göttliches Recht,' 1854; Stahl, 'Die lutherische Kirche und die Union, 1857; Brandes, 'Geschichte der evangelischen Union in Preussen,' 1872; two volumes, going as far as 1840.

Formation of the Evangelical Church.

In this sense he issued the summons of September 27, 1817, in which he called upon his evangelical subjects to celebrate the approaching jubilee of the Reformation 'by forgetting at last all Church disputes, and joining together to form one united Evangelical Church in the spirit of Jesus Christ.' His idea was this, that neither should the Reformed Church go over to the Lutheran, nor the Lutheran to the Reformed, but that both should form one new united 'Evangelical Church,' in which the 'Non-essential,' i.e. the dogmatic, differences should be removed, and the main truths, in which both agreed, should be firmly adhered to. It soon became evident, however, that if this object was to be attained, it would not be attained in the manner suggested by the Commission, which had deliberated on the summons, and declared, that though they did not wish to abandon the distinctive confessions of faith, but rather to honour and retain them, yet they were unwilling to recognise any longer their authority as binding. This was a contradiction in itself, for what is a confession, unless a test and index of Church membership? If they desired, as was the king's intention, to create a Church rising above the former distinctions of creed, they ought clearly to have determined how far, and on what points, those creeds might be found to harmonise, and practically therefore to have agreed upon a new one. And such, no doubt, was the idea entertained by the king. What he wished for was a union of creed—(*Consensus-union*)—as is clear from the Cabinet Order of April 9, 1822, in which 'the drafting of the instrument of the union' is made the principal task of the assembly of notables to be convoked.

The summons, couched in dignified language, met with general approbation. The king himself inaugurated the union by uniting the previous court and garrison congregations into *one* evangelical Christian one, and partak-

Scheme of the Berlin Synod.

ing with them the Lord's Supper; and, in like manner, all the Berlin clergy, under the leadership of Schleiermacher, who at the beginning of October were assembled for the synod, joined in a common celebration of the Holy feast. But the resolution of the synod, which invited the congregations at Berlin to join the union, was conceived in a very different spirit from the royal summons. Its purport was to bring about a 'union in ritual and worship, without touching upon dogma;' and this for two reasons, first, because the 'union' it contemplated was not intended to effect a change from one confession to another, and secondly, because, with the general revival of Christian zeal and devotion, marked distinctions of dogma were bound to reappear. This was by no means, therefore, a union comprising a 'consensus,' but a confederation of the two rival Churches under one government, involving the mutual eligibility of candidates for orders, and a common celebration of the Lord's Supper.

Opposition to the Union.

In this divergence of first principles lay at once the seed of future differences. But besides this, the 'Union' met with strenuous opposition from Lutheran territories, such as Saxony, and especially at Kiel, where the concise theses of Claus Harms produced a powerful counter-movement. On Prussian territory, likewise, symptoms of opposition began to manifest themselves, as in Silesia, where Protestantism had preserved its Lutheran character most strongly, although the Lutherans there lived on the best possible terms with the Reformed. Still more dangerous to the Union than these adversaries were its friends in the camp of rationalism, such as Röhr, Bretschneider, Schultz, and Zimmermann, in whose eyes it did not go far enough, and who wished for a complete removal of the traditional barriers of confessional dogma, and the establishment of a united Church on the basis of the so-called religion of reason. Add to this, that the higher bureaucracy of that time, who dreaded nothing more than the letting loose of popular forces, regarded the whole project of union with unconcealed disfavour; fearing, as they did, that the great intellectual movement, which was pressing forward to a reconstitution of the Church, would awaken a corresponding demand for political liberty. For this reason, therefore, in particular, they were labouring in these circles silently to neutralise the earnest endeavours of the king to give an independent organisation to the Church. Frederick William III. had procured in 1815, as already mentioned, the re-establishment of properly constituted ecclesiastical authorities in the provinces, by instituting the consistories, who were to conduct the entire management of Churches and schools, both Catholic and Protestant. This arrangement was so far altered in 1817, as to divide the management between the consistories and Governments, the former being entrusted with the administration of the internal affairs of the Church and the higher educational institutions, the latter with the national schools, and questions externally affecting the Church. Unsuitable as this abstract division was for the independent life of the Church, since her internal no less than her external wants can only be administered on a common principle of unity by an authority purely ecclesiastical, nevertheless this change seemed a progress compared with former conditions. Nor was this all; for after the clergy had already held meetings of their own accord to deliberate how best to improve the administration of the Evangelical Church, a Commission was appointed with instructions to draw up proposals for this purpose. Starting from the proposition that the Church must be governed on Church principles, this Commission recommended the introduction of a synodal constitution. In every community a presbytery was to be formed, consisting of the clergyman, the eventual patron, and a number of lay-members. The clergy

Synodal constitution of the new Church.

of a 'circle'[1] were to meet once every year in synod, under the presidency of the 'Superintendent,' these latter from time to time in provincial synod under the presidency of the General Superintendent, who was also the head of the provincial Church authority, the consistory; the supreme direction was to devolve upon the upper consistory or upon a minister.

Failure of the king's projects.

The king entered into these proposals with warm interest. He appointed a special Minister of Ecclesiastical Affairs and Education; he improved the organisation of the consistories, by dividing their duties between the management of the affairs of the Evangelical Church and the Provincial School Board (*Provinzial-Schulcollegium*), and he decreed that immediate preparations should be made for a synodal constitution. Presbyteries also were really instituted, circle and provincial synods were held, but beyond that the matter did not advance a step, because the Minister of Public Worship, von Altenstein, was opposed to it. Notwithstanding all the king's exhortations to push forward the convocation of the general synod, again and again no agreement could be arrived at as to the instructions, and finally even the enthusiasm of Frederick William cooled before this *vis inertiæ*. He dropped the question of a synod, for, since his own ministry could not agree about it, he feared, and rightly feared, that it might only lead to still more vexatious disputes. The presbyteries were gradually discontinued; the circle synods came to nothing, and therewith ended the attempt to develope by these means the constitution of the Evangelical Church for the whole monarchy. The king felt acutely this checkmating of his plans, more especially since he had reckoned upon the synods for the introduction of the 'Union.' Instead of it, 'he experienced everywhere resistance, and saw that the very thing he had intended to be an act of peace and reconciliation turned out only a fresh occasion of strife.'[1]

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[1] A circle (*Kreis*) corresponds most nearly to the French *Département*; as the *Gemeinde*, or administrative unit, does to the *Commune*, and the English parish. The *Bezirk*, or district, forms an intermediate link between the two.

Introduction of the 'Agenda.'

Nevertheless, Frederick William III. refused to relinquish his favourite idea. His opinion was that the Union, so far as it had become a fact, could best be protected by the exercise of his royal authority.[2] This was to be done by the introduction of the 'Agenda.' Already, in 1816, Frederick William had introduced into the garrison churches at Berlin and Potsdam a new liturgy, compiled by himself, which was to express once more the fundamental features of a common evangelical belief, and serve as a common tie between the two rival and separate Churches. This liturgy was sharply criticised by Schleiermacher, but his criticisms were only a motive for the king to improve it, and as the synods, which were also to deliberate upon it, proved abortive, he determined to introduce it in 1821 as a Church 'Agenda' for the royal Prussian army, as well as for the Court Church and Cathedral at Berlin, with the design of extending it ultimately to the whole National Church, and thus putting an end to the prevailing want of precision and arbitrary diversity in Church liturgy. Accordingly an enquiry was addressed to the clergy of the kingdom, whether they were prepared for the introduction of the new 'Agenda.' Only about the sixteenth part declared for it; the rest put forward scruples of the most various kinds. Many of these objections, which could be seriously considered without surrendering the fundamental idea, were yielded to, and the result was that, after a renewed enquiry, two-thirds of the clergy resolved upon accepting it. In order to examine further the objections that were raised, special provincial commissions were formed, which, while adhering firmly to the fundamental character of the 'Agenda,' admitted a variety of individual forms, according to traditional peculiarities.

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[1] Brandes, vol. ii. p. 340.

[2] If only they had taken to heart at that time the warning of Planck who, although himself entirely devoted to the Union, in his pamphlet, 'Ueber die Trennung und Wiedervereinigung der getrennten Christlichen Hauptparteien,' which appeared in 1803, forcibly expressed his conviction that the 'union' was only possible when 'both parties acknowledged the coalition already brought about between their respective doctrines and opinions, and that it was worse than foolish to think of pulling down the outer wall of separation so long as the parties did not yet feel that the causes were already removed, for which they formerly deemed the erection of that wall of separation necessary.' Otherwise, he argued, a new life could only bring with it new bitterness, and tear open afresh the old wounds already healed. He concluded, therefore, that it would be prudent to postpone still longer a formal union, since only secondary advantages could be expected from it, whilst substantial injury would arise from a reaction in the popular mind, not yet sufficiently prepared for its acceptance.

Thus supported, the government went a step farther. While still refraining from imposing the acceptance of the 'Agenda,' as a matter of duty, on clergymen newly ordained to a church, where the congregation possessed another liturgy assented to by the sovereign, they decreed that no clergyman, who should be appointed to a church in which the 'Agenda' was already introduced, should be allowed to depart from its observance in future. Where it had not been introduced, no deviation from the former practice should take place, and if such deviation should occur, the old liturgy should be restored within the space of three months. Candidates for orders should be specially exhorted, however, to accept the 'Agenda,' and the question should be put to them at their examination, whether they would join the Union. Herein already lay an indirect form of compulsion, since it soon became evident that only those could reckon on promotion who met the wishes of the government. These measures called forth strenuous resistance. Schleiermacher criticised, with pungent severity, the alleged right of the king to determine the liturgy of the National Church, by virtue of his prerogative of sovereignty, and repudiated that right as contrary to the liberty of the Church. The king was not offended by these strictures, but at the same time he refused to abandon his cause, and invited the author to propose a compromise. Schleiermacher declared it impossible to carry out the 'Agenda,' and proposed that a special liturgy in addition should be composed for each province, to be accepted or declined at option. This proposal, however, Frederick William refused to entertain, and insisted on maintaining his rights of sovereignty against what he conceived to be an invasion. The clergy of Berlin who, with Schleiermacher, proved refractory, were threatened with a disciplinary process, but they justified themselves in a pamphlet, which clearly explained that the 'Agenda' was merely an efflux of the Union, which had given the explicit assurance that no change of doctrine was intended, and that nothing therefore must be introduced which was alien to the confession of the congregation, as was the case with the 'Agenda,' for instance, in its order of the Lord's Supper. The king tried to refute these scruples in an anonymous reply, 'Luther considered in reference to the Prussian "Agenda" of the year 1822.' But Schleiermacher vindicated his position in a written rejoinder. The minister, von Altenstein, now proposed to take summary proceedings against him and his adherents, but the king would have no violence; he shifted his ground a little, and reverted to the compromise proposed by Schleiermacher. In 1828 liturgical commissions were appointed, which added such a variety of formularies to the new 'Agenda,' that those of the clergy, who had hitherto protested, were persuaded for the most

Clerical opposition under Schleiermacher.

part to accept it. Although the authority of the government was thus preserved, still the fundamental idea of the king to bring about a common liturgy for the whole Evangelical Church was frustrated: the whole dispute about the 'Agenda' had only served to damage and discredit the work of the Union.

Persecution in Silesia.

In Silesia, meanwhile, the resistance to these measures was far more serious and significant. The king's later concessions marked the extreme limit of his compliance on the question of the liturgy. But a number of Lutheran congregations in that province refused to accept the 'Agenda,' even in this modified form, prepared as it was notoriously to serve the object of the Union. They refused to obey the authorities of a United Church, and to surrender to them the Lutheran Churches; the clergy appealed especially to their oath of allegiance to the Lutheran confession. This resistance provoked the king to the utmost. Designedly misinformed of the real character of the movement by Court theologians, such as Eylert, and advised by a minister, who only understood to confront adverse opinions with force, he resolved to step in with severity. Professor Scheibel, the leader of the opposition, was deposed; the refractory clergy were kept in prison for years, because they would not promise to renounce intercourse with their congregations. The latter were deprived of their churches; divine service was interdicted and prevented by force, all attempts to conduct it being summarily punished. The excitement and discord, provoked by these measures, were unspeakable. The noble-minded Colonel von Arnim, of Blücher's regiment of Hussars, who was ordered to prevent the Lutherans from conducting open-air services, wrote to the general in command, that he was ready any day to sacrifice his life for the king, but that he begged to be spared the duty of carrying on war against defence-less men, women and children, who assembled together to pray. Many of the best subjects emigrated and became the worthy pioneers of the German exodus to America.

The Union in Westphalia and the Rhine provinces.

In spite of all this, however, the movement was not suppressed; on the contrary, it spread far beyond Silesia. The convictions of creed were sharpened, and their divergencies became more prominent as their area was enlarged. The only quarters where the Union met with fewer difficulties were Westphalia and the Rhine provinces. In these territories, formerly so infinitely divided, the Lutheran, as well as the Reformed Church, had been established on the basis of the Presbyterian and Synodal Constitution, which had already given facilities for mutual approach. To this cause of success was added the conviction of the need of a compact organisation of Protestants against the Catholic Church, then so powerful in those parts. After the termination of the French rule, a union of the two confessions for a common Church constitution and government had been arrived at, before the summons of 1817, in some districts of these provinces, now united under the rule of Prussia. But the question there was not one of a 'Consensus-Union;' there was no desire to abandon the doctrinal distinctions between the two confessions, but, on the contrary, to maintain them in their entirety, particularly the respective creeds: the Union there was consequently solely a community of worship and of constitution. With respect to the 'Agenda,' they acknowledged that a common liturgy was necessary, but they declined to discuss the scheme of the government, on the ground that the right of settling the liturgy belonged not to the king, but solely to the synods. Ultimately they accepted as a compromise an 'Agenda,' modified according to the requirements of the provinces, in return for which the government renounced the idea of extending to the Western Provinces the purely consistorial constitution, such as prevailed throughout the Eastern. The government, in fact, felt that here, where the Presbyterian and Synodal Constitution was not merely the creature of tradition, but for the most part also in full legal operation, they were not strong enough to enforce their will, and accordingly yielded so far as was possible without completely abandoning the consistorial element.

Their Church constitution of 1835.

Thus, after long negotiations, a Church constitution was effected in 1835 for the Rhine provinces and Westphalia, which ever since then has existed in full working order as a living testimony of the happy effects of a Presbyterian constitution in Lutheran, no less than in Reformed communities, and, at the same time, as the only possible realisation of the idea of union, but which in no way corresponded to that intended by the king. He had perceived, moreover, before sanctioning this arrangement, the hopelessness of carrying out his original intentions, and this perception induced him to issue the order of February 28, 1834. In one respect, indeed, this edict marked an advance in his policy, by not only forbidding the enemies of the Union—that is, the Lutherans—to constitute themselves into a separate religious community, but by commanding the extension of the 'Agenda' to non-united Churches. On the other hand, it definitely abandoned the 'Consensus-Union,' which had been aspired to in 1817, and formally renounced the project of abolishing the rival creeds of the two Evangelical Churches, declaring, moreover, that adherence to the Union, which was to remain a matter of free choice and determination, expressed merely a spirit of moderation and charity, such as should no longer permit differences on single points of doctrine to operate as a reason for denying religious communion. The intended union of creed became, therefore,

Cabinet Order, Feb. 28, 1834.

a mere union of worship and government, so that the congregations, in spite of joining it, could remain either Lutheran or Reformed. The unity of the territorial Church lay in the episcopal supremacy of the king, in a common constitution and a common form of worship. Inasmuch, however, as the edict still clung to the erroneous assertion, that the introduction of the 'Agenda' did not involve any adhesion to the Union; whilst it still admitted that the 'Agenda' was so arranged as to be used by both kindred confessions alike; and even insisted anew that the Union should remain a matter of free choice, and yet forbade its opponents to form a separate religious brotherhood, there remained in this compromise the elements of contradiction, from which the work had suffered from the very first.

Mistaken attempt to enforce Union by royal authority.

In surveying the whole melancholy progress of this affair, we cannot but confess that if the best intentions of a prince, so truly pious and so sincerely anxious for the welfare of the Church, led to such unsatisfactory results, the cause of failure lies above all in the curse which rests on every attempt of the civil power to carry out a reform of the Church with temporal instruments. The Union, such as the king designed it, would only have been possible if it had met with the free concurrence of the Church, and this very concurrence could not be obtained, because the synodal machinery ceased to work. But no sooner did he try to carry the project into effect by virtue of royal authority,[1] than he called forth a resistance to which he was obliged to capitulate, while gaining nothing by his resort to those measures of violence, which damaged heavily the moral authority of his work. Frederick William IV. acknowledged this by not only putting an end to the persecution of the Lutherans, but by allowing them an ecclesiastical constitution, without, however, extending to them the privileges of publicly recognised religious communities.[1]

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[1] 'The "Agenda" rests upon the regulations issued by me.' ('Cabinet Order of July 28, 1834.')

Frederick William IV., 1840. His anti-territorial views of Church and State.

With Frederick William IV. began a wholly new era for the relations of Church and State. He was far indeed from sharing the theory of Hegel that the Church was only the inner side, so to speak, of the State; on the contrary, he looked upon the episcopal power of the sovereign as an abnormal and irregular right, founded upon territorialism, and saw in it the 'cause of German defencelessness against the pretensions of Rome. The State alone is to help here, for the State alone has here the limbs, which can be stirred. But this is a struggle between fish and bird. Their dominions are as different as water and air; the struggle consequently cannot be fought out. It would be a totally different thing if the German Church of the Gospel stood on her own feet, with organs of her own, and not, as at present, on the feet of the State, and with the authorities of nearly forty territorial sovereigns.'[2]

Transference of Church supremacy.

The king, therefore, longed 'with all his soul, and with all his strength,' as he expressed it, for the moment when he should be able to renounce 'the hateful episcopacy of the territorial sovereign, and resign his Church supremacy into the proper hands.' But for that purpose it was vain to look to any of the existing constitutions—not to the *Presbyterian*, for after having forsaken the old Reformed principles, it was aiming at a representative Church system, and its adherents wished to 'play the same part in the Church, which they claimed to play in the State;' not to the *Rhenish-Westphalian*, which was 'a contemptible piece of workmanship and bore contemptible fruit.' The *Episcopal* party had indeed an historical basis, but 'that basis was the state of the Romish Church of the sixteenth century, which had certainly not been evangelical, and of the episcopate of that period, which had been desperately unapostolic.' The *Consistorial* party, finally, was only defending the existing state of things as the 'national-German and necessary Lutheran constitution. Its members did not wish to patch up the old garment, but only to brush it; but the brushing of old garments profited the holes better than the cloth.' To place the ecclesiastical supremacy of the sovereign into the hands of either of these parties was a remedy worse than the disease. The proper depositaries of such power were, on the contrary, Churches apostolically formed, and comprehensive enough to admit of due machinery for supervision, in which the original offices for that purpose, viz. those of elders, overseers, and bishops, as well as that of deacons, received once more their rightful position. The king thus summarized the details of his scheme:—

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[1] At a synod at Breslau in 1841 a separate Lutheran Church was formed under the jurist Huschke.

[2] I may remark, that the essays of the king, written in 1845, have been lying in their integrity before me, from which Richter has given copious extracts in his work, 'König Friedrich-Wilhelm IV. und die Verfassung der evangelischen Kirche.' Berlin 1861.

The king's scheme of Church government.

1. The country was again to be divided into apostolically constituted churches, according to which

2. A presbytery and diaconate were to be formed in each Church, the former to consist of the parochial clergy and chosen lay elders, the latter of candidates for the priesthood and laymen, on whom, as representatives of the Church, should devolve the care of the poor and sick.

3. The congregation was to be recognised as the third order, consisting of heads of families of irreproachable character, 'who for a long time had been members of the Church, and communicants at the Holy Table.'

4. Each Church circle (*Kirchenkreis*), in the sense of the present district synod, was no longer to be under a royal superintendent, but under an ecclesiastical over-

seer—a bishop who was to receive his commission from the Church collectively. He was to be the sole representative of his Church in her external relations; he was to protect, on her behalf, the freedom of administration by the congregation, to regulate the affairs of his diocese with the assistance of the ministry, and to conduct the ordination of the clergy, not of course in the Catholic sense of an exclusive right to it, but for reasons of general order and convenience, as was done also in the Rhenish Westphalian Churches.

5. The ecclesiastical authority and discipline exercised by each Church was to be recognised as binding on all her members.

The change to this new order of things was to be resolved on after due deliberation by the rightful organs of the existing Church, such as the general synod—already contemplated by Frederick William IV.—and the king himself. An Ecclesiastical Commission, under the presidency of the Minister of Public Worship, was to undertake the execution of the resolutions agreed upon. First of all, the districts under each superintendent (*Superintendentur-bezirke*) were to be recognised as churches; the bishops were to be appointed at first by the king, and afterwards by the synods, whereupon they would have to direct the further work of organisation. When all was ready, the formal transfer by the king of his ecclesiastical supremacy was to follow by a solemn act, at which the archbishops of Canterbury and Upsala, and the bishop of Abo, were to be invited to attend.[1] 'The sovereign would now become, instead of the *Summus Episcopus* (which he could not be), the supreme director and guardian of the Church (which he was bound to be by law).' For the due maintenance of his rights the consistories should be continued, and a general consistory formed under the presidency of the Minister of Public Worship. If this fundamental organisation were preserved in the living stones of the Church, then the construction of the constitution by provincial and general synods would not be difficult, and 'the forms of the Rhenish-Westphalian Church constitution, so fatal in other respects from the basis on which they rested, might be accepted without scruple or danger.'

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[1] Characteristic of the king is the manner in which he contemplated the performance of this act: 'I propose for that purpose, without however prescribing it, the following form. The transfer should be effected by delivering the crozier from the king to the Church. The bishop receives it from the royal commissioner, and hands it over to the elders; these deliver it again to the deacons, who set it up before the congregation; whereupon, every member who has fulfilled the

The scheme never carried out.

Without entering here upon a criticism of this proposed organisation of the Church, the question at once occurs, why did the king not proceed to carry out a scheme from which he promised to himself so abundant a blessing? The reason was not in any way, as many imagined, that he was unable to settle with himself in which of the evangelical episcopal communities he should have the first bishop consecrated, but that he wished to remain passive, until the legitimate organs of the National Church had openly expressed their desire and will 'to exchange the present formlessness for a form.' Wishes for a change made themselves heard, it is true, and indeed, by the legitimate organs of the Church, when the synods—first of the district, later on the provincial, and finally the general synod—were convoked.

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requisite conditions for an office-bearer steps forward, while the congregation sing a hymn, and clasps it with his right hand. Finally, the oldest deacon presents it to the oldest priest present; the latter returns it to the bishop, who places it upright on the altar, or against a crucifix behind the Holy Table. The Church supremacy is thus transferred by the king, its previous possessor, to the Church. The latter receives it according to her ordinances, and then places it under the protection of the Lord at the foot of His cross.'

Many projects were there mooted, for instance with respect to the constitution of the different congregations, which coincided nearly with the ideas of the king; but, with reference to the collective constitution of the Church, the proposals tended to a representative system, which the king would not hear of; and as the nation, on the other hand, did not know his views, the matter continued at a standstill. Some few improvements were effected, such as the enlargement of the power of the consistories, the reorganisation in 1845 of the Ministry of Ecclesiastical Affairs, and finally the institution of the Supreme Council of the Church. But all proposals, which were opposed to his ideal—although scarcely anyone knew what that ideal was—he stubbornly repelled. In the field of Church matters as in that of politics, he was not a man at all of initiation and action, and thus his ideas remained substantially without any practical result. All that reached the public ear was the rumour that the king wanted to introduce the English episcopal constitution, a notion which, baseless as it was in reality, received some countenance by the establishment of the Prusso-Anglican bishopric at Jerusalem.

Ordination Formula of Union theologians.

With regard to the Union, the king stood firmly in principle to the decree of 1834, by conceiving it simply as a community of worship and government. But this was far from satisfying the chief representatives of Union theology. Their wish was to realise the old idea of the Consensus-Union, but they had seen clearly that the latter could not be carried into effect with a double confession, but must have a confessional declaration of its own. This declaration now was to consist, not in the simple acceptance of the Augustana and the removal of all other confessions, a measure which would scarcely have met with any obstacles among the Reformed, but in a new 'Ordination Formula,' which, while retaining the different confessions, should be respected, nevertheless, as the symbol of union. The general synod, convoked in 1846, was fixed upon for arranging the formula required, and actually succeeded in passing resolutions to this effect; but the enterprise excited such offence, and was so directly opposed to the views of the king, that he refused to ratify the proceedings.

Question of Protestant endowment.

Such were the failures to arrange the constitution of the new Evangelical Church in Prussia. Equally fruitless was the attempt to settle the question of her endowment. The edict of October 30, 1810, by which the entire Catholic and Prôtestant Church property had been confiscated, promised rich endowments to the supreme ecclesiastical authorities, the parochial benefices, and the schools and charitable foundations attached to the different churches. Whilst to the Catholic Church this promise was fulfilled in the most liberal manner immediately after the issue of the Circumscription Bull, the provision for the Evangelical Church was limited to the foundation of a seminary for preachers, and the establishment of a fund of 200,000 dollars, to compensate the clergy and schoolmasters for having revoked their immunity from indirect taxation. Even this fund was reduced in 1824 by being made to provide salaries for the Catholic bishops (!), so that the evangelical clergy were left with a vague and undetermined claim to the remainder, subject, moreover, to the approval of the Minister of Ecclesiastical Affairs for the time being. The intentions of Frederick William IV. to assimilate the endowment of the Evangelical to that of the Catholic Church, remained in the stage of preparation.[1]

Evangelical union in Nassau,

If we turn to the other German states, we find a Union, in one form or another, brought about in a series of those whose populations were either preponderatingly Reformed, or at all events strongly mixed. First in Nassau in 1817, where a confessional test was dropped altogether, and the ecclesiastic was simply bound 'to teach the Christian doctrine according to the principles of the Evangelical Church, such as he himself had drawn it from the Bible after honest enquiry, and to the best of his conviction.' In Rhenish Bavaria the Lutherans united with the much more numerous Reformed, to request the king to assent to their Union. He granted for this purpose a general synod, which elaborated in 1818 the necessary instrument, providing that the creeds of both confessions, 'should be held in proper respect, but that no other ground of belief, or standard of doctrine, should be recognised but the Holy Scriptures alone.' The Provincial Consistory remained under the Upper Consistory at Munich; besides this were introduced presbyteries, as well as diocesan and general synods. In the Lutheran Church of Bavaria, on the right bank of the Rhine, synods were established, but no presbyteries.

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[1] Gerlach, 'Die Dotationsansprüche und der Nothstand der evangelischen Kirche in Preussen.' Leipzig, 1874.

and in Rhenish Bavaria, 1818.

Würtemberg, Saxony, and Hanover.

In Würtemberg, where the Protestant population was purely Lutheran, any question of a union was obviously as impossible as in Saxony, Hanover, etc.: the attempts made in those states to bring about a reform of the Church constitution led to no practical result.

Baden Act of Union, 1821.

The instrument of the Baden union in 1821 was not accomplished until after long struggles, since the old part of the grand duchy, the Margravate, was Lutheran, and the new part, which had belonged to the Palatinate, was Reformed. This instrument recognised the Augsburg Confession and the Heidelberg Catechism, if and so far as the right of free enquiry was demanded in the former, and sanctioned in the latter. An Upper Church Council administered the ecclesiastical authority of the territorial sovereign. Each congregation received a separate Church council, which chose delegates for the special synod or collective assembly of the parochial clergy; above the latter stood the general synod. In Rhenish Hesse the Union declared in 1822 'the symbolical books, acknowledged in common by the two separate confessions, as the standard of doctrine, with the exception of the doctrine of the Lord's Supper, contained therein, which had hitherto been a subject of dispute.'

Union in Rhenish Hesse, 1822.

In all these states, meanwhile, the supreme episcopacy of the sovereign remained completely untouched; nay, in Bavaria, there was not even, as in Saxony, a supreme Church authority, co-ordinate with the Catholic sovereign, and really independent in evangelical matters. The Upper Consistory was subject to the Catholic Minister of Public Worship, and was unable to protect the Protestants against the partisan ill-will of the government. Whilst the Catholic press was allowed to attack them violently, the censorship made the Protestant papers well-nigh dumb. Peculiarly unjust was the so-called 'Genuflexion Decree,' which ordered all soldiers on duty to fall on their knees during the consecration of the elements, and at the pronouncing of the blessing at the Catholic service, as well as when meeting the Host; a decree, which was expressly abolished in 1803, when Bavaria ceased to be a purely Catholic state. This provoked intense excitement among the Protestants; the men refused to obey the order, but the government would not revoke it, and a lively contest arose in consequence. The Catholics would not allow this glorification of their service to be snatched away from them. Döllinger, in the pure spirit of sophistry, defended the genuflexion as a mere form of salutation, by which he drew upon himself annihilating replies from Harless,[1] Thiersch, and Count Giech: step by step the government

Oppression of Protestants in Bavaria.

Genuflexion Decree,

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[1] Harless, through his manly defence of Protestantism in the Chamber, as well as by his pen, was obliged to quit Bavaria.

was forced to recede, until at last, in 1845, the obnoxious order had to be rescinded. But the ill-will against Protestantism continued; every obstacle was opposed to the formation of Protestant congregations; the Gustavus Adolphus union was prohibited; even legitimate complaints were rejected, and the evangelical general synods were prevented from bringing them forward.

Persecution of Protestants in Tyrol.

Still more disgraceful than this partisanship of the Bavarian government was the conduct of Austria towards the Protestants in the Zillerthal, in flagrant contravention of the German Act of Confederation.[1] Notwithstanding the brutal expulsion of the Lutherans by the archbishop of Salzburg in 1729, evangelical traditions had been preserved in a few neighbouring valleys. In one of these, the Zillerthal, nine men, fathers of families, resolved in 1826 to give notice of their secession from the Catholic communion, and to apply for the necessary permission to take part in Protestant worship. These worthy peasants seemed to know nothing of the 16th Article of the Act of Confederation, which Austria herself had promised to observe, and which provided that 'difference of religious persuasion can, within the territory of the German Confederation, form no ground of difference in the enjoyment of civil and political rights.' They appealed solely to the Toleration Edict of Joseph II., and declared themselves ready to submit to the six weeks' instruction in Catholic doctrines, which, according to that law, every person, baptised within the pale of the Romish Church, had to submit to, previously to his joining another communion. The priests in vain attempted to dissuade them from their purpose; and a year afterwards a direct refusal was given by the official of the local government. Nevertheless, the number of intending converts increased, and when the Emperor Francis himself visited the Tyrol in 1832, their number had increased to 240. They sent a deputation to him at Innspruck, with a petition setting forth their grievances. The deputies were graciously received, and the emperor assured them in an audience, that he 'used religious compulsion to none.' They obtained, however, no relief: the provincial diet, in open contradiction of the official declaration of the government at Vienna, declared that the Toleration Edict had not been published in the Tyrol, and were not valid in those districts, besides being contrary to the fundamental law of unity of belief. The provincial estates, the mere tools of the Jesuit coadjutor Giovanelli, declined even to agree to the proposal of the government, that the Zillerthalers should 'emigrate to some other province of the Austrian empire, where a Protestant congregation already existed,' and demanded their expulsion. The Court yielded; Protestant converts were compelled to leave their homes, and to accept the place of refuge in Silesia, offered to them by the king of Prussia. Not another German government had the courage to protest against this act of intolerance and open violation of the fundamental Act of Confederation.

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[1] See 'Die evangelischen Zillerthaler in Schlesien,' von Dr. Rheinwald. Berlin, 1838.

General progress of German Protestantism.

In surveying the progress of German Protestantism at this period, we cannot fail to see that it was an age of religious revival. Theology and philosophy combined to overcome rationalism with the weapons of scientific enquiry. The period of transition was represented by the 'reconcilement' theology of men like Julius Müller, Nitzsch, Lücke, Rothe, and others, which, resting chiefly on the foundation laid by Schleiermacher, and partly in alliance with Hegel, was endeavouring to vindicate by scientific means the essence of Church belief, but to liberate it from all that was considered non-essential. It stood firmly, therefore, by the Union throughout; but in this very struggle for its maintenance, fresh strength was acquired by the confessional movement, which, in opposition to the proposed amalgamation of creeds, defended their distinctions as the legitimate foundation of Church life. These 'reconcilement' theologians, by their scientific labours in a positive direction, exercised a great influence upon the culture of the clergy, but a comparatively small one on the masses of the people; whilst their opponents, the advocates of the confessional system, although far inferior as to scientific acquirements and weight, met with powerful support from the people, so far as the latter still sympathised with the Church. This, indeed, could not be said of the middle classes, who were daily increasing in importance. The Protestant citizen of that period was for the most part either indifferent, or a pertinacious adherent of the old rationalism. A thorough-paced Liberal in his politics, in the sense, that is to say, of that liberalism which sees freedom of spirit in opposition to the government, he looked with suspicion on any civil interference with Church matters. But the bureaucratic police State, which, full of distrust, strove to suppress every free movement of national life in the sphere of politics as in that of the Church, made this opposition appear justifiable. Before 1848, it was thought necessary for a genuine Liberal to be a downright free-thinker in religious matters, and thus only can be explained the importance acquired by such movements, wholly untenable in themselves, as that of the Protestant Friends, or 'Friends of Light,' as they were called. Persecution in high places gave them a temporary popularity: as soon as, in 1848, they were allowed to do as they liked, they crumbled away, and fell into well-merited oblivion.

Liberalism and free-thinking.

State domination in Switzerland.

Of the Protestant Churches in Switzerland at this period there is little to be said. In spite of the similarity of Protestant doctrine, no attempt was made or has since been made, as Döllinger observes, to establish a collective Protestant Church; and in most of the cantons the independent Church institutions had completely fallen into decay. State Churchdom—represented by republican governments—was dominant throughout, and here with particularly evil consequences, since the guidance of the State had to submit to so many party changes. Liberalism and Radicalism openly showed, as soon as they became supreme, how little either of them intended to allow the independence of the Church. Thus when, in 1830, the Berne clergy, after the liberal revision of the cantonal constitution, moved for the introduction of a Church constitution based upon a presbyterian system, they were granted merely a deliberative synod. At Geneva, the institution of elders was entirely lost. The Church of Calvin perished in the revolutions of 1841 and 1846; and all ecclesiastical authority passed over to the 'vénérable compagnie' and the government. In opposition to the rationalism, rampant in this official Church, a 'Free Church' was formed, with a positive system of doctrine; and the example of secession was followed in the canton de Vaud, under the leadership of Vinet, the most influential champion of the separation of Church and State. In Neuenburg alone, where the Reformation had been from the beginning the work of the congregations, and not of the government, was the Church able to preserve her old independent constitution.

Decline of Calvinism in Geneva.

In the Netherlands the revolution had so completely overthrown the Church organisation already mentioned, that a total reconstruction was indispensable after the re-establishment of the State. The 'general order of the Church government of the Reformed Church' erected, in conformity to the previous state of things, but now equally in the sense of the presbyterian and synodal constitution, a series of Church authorities, constituted in

Re-constitution of the Reformed Church in the Netherlands, 1816.

successive gradations, and culminating together in the General Synod—a unity, in which the Church had formerly been always deficient. Its permanent committee, the general synodal commission, consisted of seven members, whom the king appointed out of fourteen, proposed to him by the synod, as the standing representative council of the Church. In Holland the abolition of the symbol-obligation led to a secession, and to the formation in 1838 of a separate Church under Cock and Scholte, which, foolishly persecuted by the government, rose to 60,000 members.

Free Church in Holland.

Illtreatment of Protestants in France,

In France the period of the restoration naturally brought manifold troubles upon the Protestants. These began with regular persecutions and blood-shedding by the fanatical rabble, which the government disgracefully allowed to go on, and which were only terminated by the energetic intervention of the foreign Powers. Notwithstanding this, the Protestants were continually insulted in the most outrageous manner, not only in sermons but in pastoral letters. The article of the penal code was enforced against them, which was directed against assemblies of more than twenty persons, and prohibited such meetings whenever they were held for reasons apart from public worship.[1] The convocation of synods was not to be thought of; the only concession made—which was due to Louis XVIII.'s personal sense of fairness—was when in 1827 a Protestant, the celebrated Cuvier, became director of non-catholic worship. The July monarchy first made religious equality a reality, but although its most powerful minister was a Protestant, his co-religionists in vain endeavoured to obtain from the state a larger share of independence for their Church constitution. Guizot was labouring much too anxiously to make his foreign policy appear like that of a Catholic great Power—witness the Tahiti and Sonderbund questions—to allow himself to be diverted into a course of action at home which might compromise him with the majority in the Chambers. It was obvious that the ill-success of Protestantism favoured Vinet's separatist doctrine of Church and State, even in Protestant France; where it found its most influential advocates in the 'Société Evangélique' and in the periodical 'Le Semeur.'

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[1] Sec. vii., art. 291. 'Nulle association de plus de vingt personnes, dont le but sera de se réunir tous les jours, ou à certains jours marqués pour s'occuper d'objets religieux, littéraires, politiques, ou autres, ne pourra se former qu'avec l'agrément du gouvernement, et sous les conditions qu'il plaira à l'autorité publique d'imposer à la société.'

and in the Baltic provinces.

In the Baltic provinces, whose German population had preserved the living Lutheran faith together with their nationality, the Protestants at this period fell on evil days. Even in Livland and Esthland, where the right of Protestant worship had been guaranteed since 1702, at their incorporation into the Russian Empire, the grant was qualified in later times by intolerant enactments. A ukase in 1838 applied to these provinces the Russian law respecting mixed marriages, which provided that all the children should be educated in the Greek religion. No Lutheran or Catholic clergyman was allowed to baptise any child whose parents belonged to the Orthodox Church, and proselytism was punished by exile to Siberia. Meanwhile, a Greek archbishopric was founded at Riga, and promises of various kinds, such as grants of land, remission of taxes, and exemption from military service, were put forward by itinerant preachers to tempt the people to join the Orthodox Church. Seduced by these delusive promises, and urged by the pressure of a famine, about 100,000 of the poorest Letts and Esths resolved in 1840 to purchase prosperity by passing over to the 'Foreign Church.' Too soon they found themselves the victims of deception; and when, bitterly repenting of their apostasy, they implored to be allowed to return to the Lutheran Church, they were confronted by the mandate of the Rusian code —the *Swod*—which punishes every desertion from the Orthodox faith.[1]

Dissenters in England and the Church.

In England, during the first thirty years of this century, the official Church still remained the only one recognised by law, and in possession of enormous property, which was increasing every year with the development of industry. The Dissenters were compelled, not only to maintain their own churches, but to contribute to the support of the episcopal clergy. No certificate of birth could be received as legal evidence unless the child had been baptised by a clergyman of the Established Church; no valid marriages could be celebrated by Dissenting ministers; their dead could not obtain Christian burial but through the offices of the Church; all public employment was closed to Dissenters as to Catholics. The abolition of the Corporation and Test Acts, in 1828, put an end to this last grievance, and a series of conciliatory enactments during the next decennium brought further relief to Nonconformists. In 1836—a year memorable for enlightened reforms—a general system of civil registration removed the anomalies arising from distinctions of creed. The Dissenters' Marriage Bill allowed Nonconformists to solemnise marriages in their own chapels, with the option, extended equally to members of the Established Church, to substitute for the religious ceremony a civil contract before the registrar. A bill to admit Dissenters to Oxford and Cambridge, after passing the Commons in 1834, was thrown out by the Lords; but two years later the advantages of an academical education were secured to them by the institution,

Removal of civil disabilities.

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[1] See 'Geschichtsbilder aus der lutherischen Kirche Livlands,' von V. Harless. Leipzig, 1869; 'Der Deutsch-Russische Conflict an der Ostsee,' von W. v. Bock. 1869; and 'Edinburgh Review,' vol. cxxxii.

under royal charter, of the University of London. In 1836 the vexed question of tithes was settled in England and Wales, by their commutation into a rent-charge on the land, payable in money, but varying according to the average price of corn for the seven preceding years. Church rates were scarcely as yet a grievance of paramount magnitude; and the two attempts of the legislature to settle the question proved failures. The bill of Lord Grey in 1834, to substitute for church rates an annual grant of 250,000*l.* from the Consolidated Fund, to be devoted to the maintenance of church fabrics, was abandoned, in consequence of the opposition of the Dissenters; and three years later, the scheme of Lord Melbourne to provide a fund out of the surplus revenues, accruing from an improved administration of Church lands, was rejected by the Church.[1] With the exception of the above-mentioned concessions to Dissenters, the Church remained in full possession of her privileges, and retained her old connection with the State, which exercised its jurisdiction, however, in matters of doctrine with great impartiality and forbearance.

Tractarian movement at Oxford.

Meanwhile, within the limits of the episcopal Church, there appeared signs of a Catholicizing tendency, which found open expression about 1833. Dr. Pusey, a canon and professor at the University of Oxford, was the centre of this—the so-called Tractarian—movement. He gathered round him a number of talented and learned theologians, and insisting with them on the apostolic succession of bishops, as recognised by the Anglican Church, demanded a 'return to the ancient, Apostolic Church.' The newly-formed party openly attacked the Thirty-nine Articles—the standard and symbol of the State Church—and demanded that the doctrines they embodied should be brought into harmony with the 'Catholic Mother Church.' Meanwhile, Catholic forms of worship were introduced into church services in many places; and some clergymen even urged from the pulpit, as means of salvation, the worship of the Virgin Mary, the invocation of saints, and auricular confession. But this conduct provoked a powerful opposition in the country, and the mass of the people indignantly demanded that the Crown, the Parliament, and the bishops should stamp out these 'papistical intrigues.' In consequence of this popular movement, which served to check for the moment the advance of Ritualism, a number of its most distinguished adherents—among them Dr. Newman and the present Cardinal Manning—formally went over to the Church of Rome. Dr. Pusey, however, abstained from taking this extreme step, and, with the largest part of his fellow-thinkers, remained, at least outwardly, in communion with the Anglican Church. After this, the large majority of persons believed the danger to have passed away, and there followed a period of apparent tranquillity and peace, which the Ritualists understood well to turn to their profit for the furtherance of their designs. Henceforward they declared that their efforts were in complete accord with the 'essence' of the Anglican Church, and that their sole object was to make the 'cold' and 'jejune' Protestant service, by means of appropriate ornamentation and lighting of churches, devotional music, solemn processions, and so forth, satisfy the religious requirements, hitherto so neglected, of the worshippers.

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[1] The first bill for the *abolition* of Church rates—the forerunner of a series of unsuccessful proposals—was introduced and rejected in 1841.

Early phases of Ritualism.

Lay patronage in Scotland.

What the High Church was in England, the Presbyterian Church was in Scotland. As regards the appointment of the clergy, the position of the government in the former country was occupied in the latter by the lay-patron, who nominated the minister for approval by the congregation and induction by the presbytery, if found unexceptionable in 'life, literature, and doctrine'—the nomination, however, being practically equivalent to appointing him, since the 'call'[1] by the congregation had become a mere form. But the Church had never renounced the rights of the congregation, which, in earlier times, it had cost her such struggles to secure; and now the reawakening of a religious spirit, and partly also the stimulus given by the Reform Bill to the demand for popular privileges, revived the old Puritanical desire for independence. The people preferred choosing their own pastors to having them forced upon them. Anti-patronage societies sprang up in all directions; and the 'non-intrusion' party, headed by Dr. Chalmers, became the ruling party in the Church. In 1834 the General Assembly passed an enactment—the Veto Act—which granted to the majority of male heads of families, being communicants, the right of veto on the presentation. An unacceptable presentation by Lord Kinnoull first brought the matter before the law courts, when the Court of Session, and finally the House of Lords, gave judgment awarding the civil benefice to the presentee, and enjoining the presbytery to take him on trial. The latter stipulation, however, not being insisted on by the patron, the question rested for two years, until another case occurred, which determined the spiritual rights of the congregation, and ended in the famous Disruption of 1843. The presbytery in this instance, under instructions from the General Assembly, rejected the nominee, who immediately obtained an inter-

The Veto Act, 1834. Collision between the Church and State.

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[1] The document addressed to the presentee ran as follows: 'We whose names are subscribed, etc. . . . . have agreed, with the concurrence of the reverend presbytery, to invite and call you to undertake the office of pastor amongst us, and we promise, on your accepting this our call, to give you all suitable respect and obedience in the Lord.' The 'call' was intended to serve as evidence to the presbytery, prior to their examining the personal fitness of the nominee, that a field existed for his ministry. Buchanan, 'Ten Years' Conflict,' i. 236.

dict from the Court of Session against the substitution of another in his place. In this conflict of authority, the majority of the presbytery determined to obey the civil power, and admit the obnoxious candidate to the cure of souls. Thereupon they were suspended by the General Assembly; the case was brought before Parliament by Lord Aberdeen, and a law was passed to smooth over the difficulty. But the offer of compromise came too late. To a memorial of the General Assembly (May 1842), embodying a petition for the abolition of patronage, and a 'claim, declaration, and protest anent the encroachments of the Court of Session on the spiritual jurisdiction of the Church,' the Government replied, through Sir James Graham, that the Veto Act was incompatible with the rights of patrons as secured by the statute; that the General Assembly was guilty of unlawful aggression in resisting the judgments of the civil courts; that the rights, claimed by the Church, were 'unreasonable,' and that the Government 'could not advise her Majesty to acquiesce in these demands.' On May 18, 1843, the final rupture occurred. The non-intrusion members of the General Assembly, to the number of 169, after recording their reasons in a protest, which declared that 'the jurisdiction assumed by the civil courts is inconsistent with Christian liberty and with the authority which the Head of the Church hath conferred on the Church alone,' publicly seceded from that body and from the Establishment, and founded the 'Free Church' of Scotland, which soon numbered seven hundred congregations, renounced all connection with the State, maintained herself by the voluntary liberality of her members, and carried into effect the presbyterian constitution.

Disruption of 1843. The 'Free Church.'

Separatist principles in the United States.

In the United States, the principle of separation of Church and State, as established by the constitution of the Union, led more and more to the removal of those confessional restrictions that still had lingered in the constitutions of the individual States up to the end of the last century. It would be erroneous, however, to attribute this change to religious indifference, as is the case with continental liberalism, which regards religion as superfluous in proportion as civilisation increases. Nowhere, on the contrary, more than in America, is religion felt to be a vast social power, in spite of its being split up into an infinite number of sects. Even those who believe nothing, carefully guard against parading their unbelief, because irreligion is considered a stigma. For the same reason, moreover, the separation of Church and State is far from being an absolute one, such as is striven for in such diverse manners on the Continent. It exists in this sense, that the State is not permitted to intermeddle in Church matters, as long as the latter trespass not on the province of law and morality, and that it treats the individual confessions solely as private corporations, which themselves supply their own requirements. But with all this, the institutions of the United States absolutely presuppose the continuance of Christianity. And that, indeed, not only in its moral injunctions, by forbidding polygamy, adultery, obscene representations, contempt of religion or disturbance of Divine Service, but also in a positive sense. Thus the constitutions of most of the States refer in their preamble to God; thus everywhere the observance of the Sabbath is protected by law, because any noise or drunkenness would disturb the devotional worship of the large majority. Thus religious fasts and thanksgiving days are appointed. The churches are not liable to taxation; in most of the States the clergy are exempt also from military service, although not eligible for civil offices. A will made in favour of a society of atheists was annulled by the Supreme Court of Justice in Pennsylvania, on the ground that the State-law recog-

Social influence of religion.

nised none but literary, charitable, and religious societies. The form of civil oath is still retained; and although those who, like the Quakers, object on religious grounds to invoke the Deity, are allowed to substitute a solemn declaration, still the latter, if falsely made, is equally punishable as perjury. Nay, the Federal Government appoints chaplains for Congress, who open every sitting with prayers, and military chaplains for the army and navy; and sailors, even when off duty, are enjoined to attend Divine Service. The reason of these seeming deviations from the anti-Church and State principle lies in the general conviction that a nation without religion must inevitably sink into moral and political decadence. Just as little, on the other hand, have the practical Americans allowed that principle to prevent them from interfering in matters strictly ecclesiastical, when the unrestricted liberty conceded to the Church seemed, in their opinion, fraught with danger to the State. We shall revert to this, however, later on, as well as to the dark aspects of this separation of Church and State, as existing in the United States of America.

CHAPTER XXI.

THE CATHOLIC CHURCH IN REVOLUTION AND REACTION, 1848—1859.

Effects of the February Revolution—Italy: Papal Constitution of 1848—Pius IX. and the National Movement—His Flight to Gaëta—Causes of his Failure—Germany: Catholic Movement for Church Independence—Debate in the Frankfort Assembly—Episcopal Demands—The Würzburg Articles—The Bishops' Memorial to the German Governments—Question of State Interference in the Church—Constitutions of 1848 and 1850—System of State-guardianship surrendered—Freedom of the Church in Prussia—Resistance to Clerical Demands in Bavaria—Conflicts in the Upper Rhenish Church Province—Ketteler's Appointment to See of Mayence—Memorial of the Five Bishops—Italy: Restoration of Pius IX. to Rome—Difficulties of the French Protectorate—Revival of Papal Misgovernment—France: The Ministry and the President—Napoleon's Letter to Colonel Ney—Law of Instruction, 1850—The *Coup d'Etat*—Alliance of Cæsarism and the Hierarchy—Ultramontane Intolerance—Italy: Absolutist Policy of Pius IX. and Antonelli—Influence of the Jesuits—Dogma of the Immaculate Conception—Programme of the *Civiltà Cattolica*—England: Papal Aggression in 1850—The Ecclesiastical Titles Act—Spain: The Concordat of 1851—Holland: Alliance of Democrats and Ultramontanes—Re-establishment of the Hierarchy—Apathy of the Liberals—Austria: Imperial Patent of March 4, 1849—Episcopal Assembly at Vienna—Demands of the Bishops—Reports of Count Thun—The Emperor surrenders to the Hierarchy—Concordat of 1855—Final Overthrow of Liberalism—Germany (Upper Rhenish Church Province): Concordat with Würtemberg—and with Baden—General Advance of Catholicism—United States: Growing Political Power of the Catholic Clergy.

CHAP.
XXI.

The February Revolution surprised the Catholic Church no less than the Sovereigns. In France, however, it manifested no anti-Church character, because Catholicism had never been in intimate relations with the fallen government; and for this very reason the clergy were easily consoled for the overthrow of Louis Philippe. The death of the worthy archbishop of Paris on the barricades of June remained an isolated event: the priests blessed the trees of liberty, and found under the Republic at least a still greater scope for their influence than before.[1] The constitution of November 4 guaranteed full liberty and equal protection to all religions; and the ministers of all those which either then were, or should thereafter be recognised by law, were declared by Article VII. entitled to a salary by the State.

At Rome, the movement, fostered by Pius IX., speedily outstripped his calculations.[2] After constitutions had been promised in Piedmont, Tuscany, and Naples, the

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[1] The 'Moniteur' of March 29 announced that a tree of liberty had been planted at Passy on the previous Sunday. A second tree had been planted in front of the Church of St. Vincent of Paul. The clergy had taken active part in the ceremony, and before the benediction the priest had delivered a brief harangue, as follows: 'Citizens, brothers, and friends,—Before planting this tree, symbol of the freedom which you have won and of which you make so noble a use, you have called religion to bless it. You are right. It was its Divine Founder, who on Calvary first taught the world the doctrines of liberty, equality, and fraternity. Since then the Gospel has not ceased to preach the enfranchisement of peoples. The pontiff who rules the Church, has he not been the first to proclaim it from the height of the Vatican? Your archbishop, has he not associated himself with this manifestation? The sympathies of the clergy then are assured to you. The clergy springs from the people, belongs to the people; its garment, with the exception of the colour, is the cloak of the people. . . . You know it, citizens, friends, and brothers; a revolution which respects God and His religion is called to great destinies. May Heaven preserve it pure from all excess! May the love of fraternity dwell in our midst! Let us remain united in this sentiment, and our Republic will be imperishable.'

[2] 'The February revolution,' said the duke of Sermoneta, 'made us mad. We are naturally imitators, and therefore copy what we see succeed elsewhere; our agitators saw a set of French journalists turned into Ministers, and thought to try their own luck.' (Senior, 'Journals in France and Italy,' ii. 98.)

Papal constitution, March 14, 1848.

pope was obliged to do the same for his dominions. On March 14, 1848, appeared the 'Statuto Fondamentale' for the temporal government of the Papal States, the preamble of which declared that, though the pope had intended to reform old institutions in accordance with the spirit of the age, he would not form a lower estimate of his people, or place less confidence in them than had been shown by neighbouring sovereigns, and that he relied on their gratitude 'towards the Church and to this Apostolic See, of which God has entrusted to us the inviolable and sovereign prerogatives.' At the same time, it was plainly announced that 'in all points, which are not provided for by the present Act, and in all matters affecting the Catholic religion and its rule of morals,' he reserved for himself and his successors the full exercise of their sovereign authority. The constitution itself was peculiar enough. The College of Cardinals, as the inseparable advisers of his Holiness, was to constitute a Senate, although they were by no means all Italians, still less Romans. Next to, but inferior to this Senate, two deliberative Chambers, the High Council and the Council of Deputies, were to be erected; the former to be nominated by the pope for life, the latter to be elected by the people. The liberty of the press was promised, but the censorship of the Church was to remain in force in all matters affecting religion. Even in quiet times such a constitution would be impossible; still less could it prove an anchor of safety at such a stormy period of excitement. Add to this, that in Italy the national movement was even stronger than the political. Not only did bodies of Roman volunteers, whose colours the pope had to bless, march to the assistance of the Lombards against the Austrians, but even the papal general Durando crossed the Po without any orders from the Vatican. In vain did Pius IX. strive to allay this excite-

Pius IX. and the national movement of Italy.

ment by writing to the Emperor of Austria, and conjuring him to terminate a war in which he could never conquer the minds of his opponents. The Romans, on the other hand, he exhorted to moderation. He disavowed General Durando, who in his proclamation had stated that the holy father had blessed the swords of his soldiers, 'destined, in union with those of Charles Albert, to exterminate the enemies of God and of Italy.' He declared, in an allocution, delivered in the Secret Consistory, on April 29, that he had ordered his troops to move to the frontier simply in defence of the integrity of the States of the Church; if he was now forced into making war on Austria, he must proclaim clearly and openly, that such a measure was altogether alien from his counsels, inasmuch as, conformably to the function of his supreme apostolate, he 'embraced all kindreds, peoples, and nations with an equal solicitude of paternal affection.' In like manner, he declined all complicity in the schemes which, according to Mazzini's ideas, should make him the head of an Italian federate Republic.

This allocution, undoubtedly, under the circumstances of that time, was an act of no small courage; but it deprived the pope of all his former popularity, and the conflict, in which he was involved with the revolution, was now rapidly hastening to a crisis. Not even Count Rossi (the former French ambassador and now minister of the pope), who fell by the dagger of an assassin, when he had scarcely assumed the reins of government, would have been able to arrest the avalanche in its descent. Anarchy grew daily more rampant; the so-called Swiss guard, three-fourths of which consisted of Poles and Frenchmen, fraternised with the spreaders of sedition. The pope submitted to it all, but declared at the same time to the ambassadors that he was merely yielding to violence, in order to prevent more bloodshed;

Embarrassment of Pius IX.

and that none of his concessions were binding on his conscience. All this time he was meditating flight. The Adriatic provinces, the headquarters of constitutional Liberalism, entreated him to accept their offer of asylum, and declared their readiness to put down the revolution, if he would promise to maintain the constitution. But Pius IX. preferred to look abroad for aid. First of all he applied, through the French ambassador d'Harcourt, for admission into France, or for such support as would enable him to re-establish tranquillity. Cavaignac immediately made arrangements for sending four men-of-war with 3,500 troops to Civita Vecchia, in order to protect the personal liberty and security of the pope, and to offer to him France as a place of refuge ; a step which was approved by the National Assembly on November 30. The plan was, that Pius, with the assistance of the Bavarian ambassador, Count Spaur, should escape to Gaëta, and from thence proceed to France. The escape succeeded : that same evening Harcourt sailed from Civita Vecchia with the Papal luggage, but on arriving at Gaëta found that his illustrious protégé, who had had a brilliant welcome, felt himself thoroughly comfortable in the fortress, and preferred his residence there to a journey to France. From Gaëta Pius IX. protested against the Ministry of Mamiani forced upon him, and declared all its measures to be null and void ; insisting in particular that the separation between lay and ecclesiastical powers and attributes, as well as the appointment of laymen to superior offices, had been extorted from him. The efforts of Gioberti, the then Sardinian Minister, still to win him over to the project of an Italian federation of princes, and to prevent his invoking foreign aid, resulted in total failure.

His flight to Gaëta.

Thus ended the first and only attempt of a pope to govern in a liberal spirit. He had already shown con-

Causes of his political failure.

spicuously, that he entertained the highest opinion of his ecclesiastical position; from an early period his aim had been to exalt once more the power of the Holy See to its summit of mediæval grandeur. As Farini strikingly observes, 'he worshipped his own person as the representative of God.' He had imagined not only that unlimited spiritual dominion might be compatible with a moderate enjoyment of political liberty by his subjects, but that the reforms he meditated would add a new lustre to the Papacy, and impose silence on its enemies, who were denouncing the government of the Papal States as necessarily evil in itself. Even had the progress of politics been peaceful, this idea would have proved an illusion; but with the movement for nationality the conflict became inevitable. Pius IX. had always been an enthusiastic Italian; he considered his nation as the first in the world, and believed it to be under the special protection of Providence. Between 1860–70 he declared to a diplomatist that Europe could never consent to the unity of Italy, because the latter would then become the first of the great Powers: even Gioberti's plan of a 'Primato' he had not regarded with disfavour. But all these sympathies had to be stifled directly they came into conflict with his spiritual position in the Church. War in itself he abhorred, and deemed it utterly unpermissible for a pope: he feared, as he intimated in the allocution, a schism in Germany, when his troops were fighting with their fellow-Italians against Austria. It was this conflict of his conscience with the demands of his people which led to the catastrophe. Assuredly he found it was no easy matter to invoke foreign aid, but all scruples had to vanish before the conviction, that this alone could really re-establish his temporal independence, the indispensable condition, as he believed, of his spiritual supremacy.

Whilst thus in Italy the work of Pius IX. fell to pieces, in Germany the clergy, having now recovered from their first terror at the Revolution, were striving zealously to profit by the situation. The most active of the Democrats did not understand how to take advantage of the newly-acquired liberty of union and of the press, with the same adroitness as the Ultramontanes. Catholic clubs arose on every side, whose programme, while insisting on constitutional demands, held out foremost to the people the prospect of an alleviation of taxation, if they would choose good Catholics, such as even then were mustering in imposing numbers for the Assembly in the Church of St. Paul at Frankfort. The Catholic section, which now came forward for the first time in a German parliamentary assembly, presented a strange medley of heterogeneous elements, both social and political. It numbered among its ranks not only members of the ancient nobility, but such as had sprung from the humblest spheres of life—high Conservatives, and those who leaned towards democracy. On that account they were far from agreeing on all questions; but on the main point, namely, to procure the utmost privileges for the Catholic Church, and to withdraw her from the supervision of the State, they were unanimous and conducted their operations with consummate skill. They represented the Church as a purely private association, which had a right, like other private societies, not only to absolute independence, but to the preservation of its property and endowments. This position is defined most clearly in the address of Radowitz to his electors of September 17, in which he explains the conduct of his party with regard to the articles of the fundamental law. The general freedom of belief and conscience could not be attacked. As for the Tyrol (where just then a petition of the masses had been presented to the Emperor for the maintenance of the unity of belief), her peculiar

The Catholic party at the Frankfort Assembly, 1848.

relations, brought forward for discussion by the deputies, were perfectly recognised by the 'Union,' but it seemed neither advisable nor possible, to insist upon them as a common ground of objection. They accepted likewise the independent right of every subject to his creed, the voluntary character of every act connected with the Church, and the validity of civil marriage, carefully guarding, however, against the religious rite being made dependent on the civil act which preceded it. But their real wishes the party best explained in the resolutions intended to define concisely the 'just and necessary demands of the Catholic Church in Germany.' The terms of these resolutions were as follow:—

Their demands for Church independence.

1. All religious societies now existing, or hereafter to be formed, are, as such, independent of the civil power; they arrange and administer their affairs independently.

2. The appointment of Church officers is not subject to the co-operation of the civil power, the right of patronage notwithstanding.

3. The publication of ecclesiastical decrees is subject only to the same restrictions, imposed on all other publications.

4. To every religious society is guaranteed the possession and free administration of its property as well as of its institutions destined for the purposes of worship, instruction, or charity.

These four resolutions, of which the first laid down the principle of the independence of the Church, whilst the three others insisted on the most essential corollaries of that principle, were defended by Radowitz, their chief supporter, at the National Assembly. He pictured the untenable character of the State-Church system hitherto prevailing, and endeavoured to prove that in order to preserve the political regeneration of the country intact from sectarian controversy, it was necessary to proceed to a sepa-

Speech of Radowitz in their defence.

ration of Church and State, in such a manner that the latter should not surrender its legitimate rights, nor the former acquire any part of them. The State was simply to abandon the police system of prevention, and restrict itself to legal methods of repression. The liberty of the Church was not more liable to abuse than the liberty of the press, or of the right of union, which no one dreamed any longer of contesting. Equally baseless was the fear that an independent Catholic Church would endanger Protestantism. If the former was trying by all lawful methods to propagate her convictions, by all means let the Evangelical Churches do the same; in Belgium no complaints were heard from the Protestants as to the encroachments of Catholicism. It was sought to scare them with the threat that the independence of the Church would open the door for the re-admission of the Jesuits into Germany. That fear had no foundation: the Order had been only a stop-gap for the temporary objects of the sixteenth century. For Germany its occupation was gone; the constitutional organs of the Church, which alone were essential to her existence, sufficed completely for her wants. 'Whatever advantage,' he said, 'we might expect for the Catholic Church of Germany from the Order of the Jesuits, would be wholly incommensurate with the profound disturbances and dangers which their presence must necessarily entail. Nay, although we should be obliged to declare against the motion, which would attack the general liberty of the Church and of union, by excluding by law any Order, nevertheless if from any quarter we should be met with the proposal to introduce the Order of the Jesuits into German territory, we—I mean the Catholic members sitting among you—would unite in the higher interests of the Catholic Church to raise our voice with no uncertain sound against the execution of such a scheme.'

No doubt Radowitz had full faith in the practical value of these propositions; but how strikingly has that been disproved by history and by the subsequent course of development, which would have dragged the noble but ideological politician into the same conflict into which Montalembert and all the so-called liberal Catholics had fallen. But however much the majority in the Paulskirche were infatuated with the word Liberty, they were unable, in Radowitz's opinion, to rise superior to past prejudices, in contemplating the relations of the Church to the State. The resolutions of the Catholic section received only 99 out of 456 votes; and so effectual proved at least the warnings of single clear-sighted men, that in Article V. of the fundamental law, the liberty of all religious societies 'to arrange and administer their affairs independently,' was qualified by the addition, 'subject to the general laws of the State.'

The bishops convoked by the archbishop of Cologne.

This result of the debate by no means satisfied the German bishops, whose instructions guided the action of the Catholic section in the Parliament at Frankfort. The archbishop of Cologne, Johann von Geissel, who already in May had been deliberating with his suffragans as to the attitude they should adopt towards the movement, took the initiative, by explaining to his colleagues in a Memorial the necessity of a Synodal Assembly. The German Church, he said, once so distinguished for her lustre and influence, had sunk into her grave with the fall of the Empire, and with the disintegration of the nation had become, as it were, a 'mere *adscriptus glebæ*, and vassal of the State.' The re-establishment of political unity, he argued, must terminate also the dismemberment of the National Church, and restore her ancient dignity. That object could only be attained by a meeting of all the bishops. Such a meeting would not only make a powerful impression on public opinion as the first vital symptom of a re-awakening consciousness, on the part of the Church, of her former unity and greatness, but would be charged with the especial duty of considering her new relations with the State. The bureaucratic strait-lacing of the Church was no longer to be endured, but democracy was her deadliest enemy. The vote at Frankfort had proved unfavourable, nor was anything better to be expected from the Prussian Parliament at Berlin (Geissel himself was one of its members). The Church therefore must help herself, and for that purpose the bishops would have to come to an understanding with each other about the measures to be taken, to register, as grandly as possible, the solemn assertion of her unity, and of her connection with the Roman See, the '*articulus stantis et cadentis ecclesiæ.*'

The Würzburg Articles, Oct. 1848.

The bishops obeyed this summons, and met at Würzburg on October 22, 1848. After some preliminary discussions they agreed on fifty-two articles, accompanied with a series of agreements, not intended to be made public. The most important resolutions were the following:—

3, 4. Every exercise of the *Placet* by the State with respect to Church offices is an injury to the liberty of the Church. Nevertheless, whenever the *Placet* is supported by Concordats or agreements valid in law, it shall be respected provisionally.

7. The bishops now assembled assert their inalienable right to maintain free communication with the Apostolic See, the clergy, and the people; as well as to promulgate all Papal and Episcopal ordinances and Pastoral letters without the *Placet* of the Sovereign.

8. The doctrine of the so-called *appellatio tanquam ab abusu* is essentially opposed to the inalienable right of the Catholic Church to independent legislation and jurisdiction in all ecclesiastical affairs.

9. No servant of the Church can with a good conscience have recourse to such an *appellatio.*

Relations of Church and State.

11. For the Church herself to effect a separation from the State, is not recognised as a task incumbent upon her; but if the State should repudiate the alliance, the Church, in that case, without approving of the step, will tolerate what she cannot prevent; she will not, however, on her part sever the ties of union, knit by herself and with the mutual concurrence of both parties, unless the duty of self-preservation should command it to be done. For the fulfilment of her Divine mission the Catholic Church claims nothing but the fullest liberty and independence, no matter what form the Government of the State may assume.[1]

Educational demands of the bishops.

A series of Articles are devoted to the influence of the Church over education. Here indeed the bishops could not simply dictate their terms, since the State had the schools for the most part in its hands; but they pointed out the main objects to be striven for, namely to make instruction the monopoly, as far as possible, of the priests.

19. The bishops will urge and exhort all Catholic communities not to accept any new teacher, not accredited by the Church, as qualified to impart religious instruction.

21. The Catholic teachers are to bind themselves to be guided entirely by the directions of their ecclesiastical superiors in the education of the young.

22. No one can give Catholic instruction in any educational institution whatsoever, who has not been authorised for that purpose by the Church.

23, 24. The bishops alone determine the books for religious instruction within their dioceses. They direct and superintend the religious instruction in all public institutions for education.

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[1] Observe the masterly skill with which this Article is drawn up. No longer is a separation of the Church from the State demanded, as in the church of St. Paul. The bishops gladly accept the existing protection, but recognise corresponding obligations only in so far as they conflict in no way with the elastic idea of self-preservation, reserving, however, in every case absolute liberty of action.

25. The Church claims, in the widest possible sense, the liberty of doctrine and instruction, as well as the establishment and direction of her own institutions for education and instruction.

28. The bishops assert their inalienable right to educate the clergy according to canonical precepts, to establish freely all the necessary institutions and seminaries for that purpose, to direct those that exist, to administer their property, to appoint and to dismiss the principals and teachers.

30. The bishops alone are entitled to examine the merits, and conduct the appointment, of all candidates for office in the Church.

31. Any participation by the State in the examinations is an essential curtailment of the liberty of the Church.

Church property and jurisdiction.

32. The bishops demand the free administration of all Church property according to canonical rule.

33. They do not renounce the right of claiming as hitherto the assistance of the secular power.

34. Every ecclesiastic who deserts the Church shall be dealt with according to canonical procedure, and a *sententia judicis* shall be decreed; but it is left to every bishop to publish this sentence or not.

37. Members of other sects who have forsaken the Catholic Communion have no claim to the property of the Catholic Church, no matter whether single individuals or even whole communities have thus seceded. Members of sects like the following, viz., German-Catholics, Rongeanians, the Friends of Light, are wholly inadmissible.

Diocesan synods.

Articles 38—42 relate to the holding of Diocesan synods for the purpose of quickening piety in the clergy and people, and restoring church-discipline, of suppressing abuses, of issuing instructions in cases of difficulty, of publishing papal constitutions; the right of decision at such synods being vested solely in the bishop. The results of each synod are to be communicated to all the bishops by the Metropolitans.

44. The episcopate declares, that popular missions are at the present time most desirable, in order to reawaken the dormant life of the Church.

Scheme of a National Council.

45. In view of the state of affairs in Germany, the bishops anxiously desire to hold a German National Council. For that purpose they propose to ask the consent of the Pope, and afterwards to establish at Rome a common 'Agency' for the German bishoprics; the Pope to be requested to confer upon the agent the rank of a Roman Prelate.

Though neither National Council nor Agency came to pass, since Rome, as is well known, does not love such national Church institutions; though even the Diocesan synods remained for the most part on paper, because all deliberations of that kind bear within themselves dangerous germs of reform; yet these resolutions cannot be studied too closely, for they contain the whole programme of the Catholic policy of restoration for the next twenty years; and it was only a well-merited reward, when their intellectual author, Archbishop Geissel, was raised in 1850 to the dignity of Cardinal.

Memorial of the bishops to the German Governments.

Together with these resolutions the bishops issued a Memorial, addressed to the German Governments, which appears to have been framed with uncommon skill to fit with their position at the time. It repudiates all sympathy with anarchical designs, but demands for the Church all that is contained in the universal call for freedom from administrative guardianship. The Church is all the more entitled to claim her share of the promises made by the princes to their people, since the oft-heard talk of mistaken liberty had awakened in her only the desire, amid the contest of rude violence with thrones and constitutions, to devote all her energies to her proper mission, namely, to act as guardian of the faith and of morals, which have their root in the faith. Eighteen centuries showed that it was she alone, firmly resting on the rock which no violence of storms can shake, who had civilised and educated nations, who had nursed art and science, had endeavoured to knit together sovereigns and their subjects by the ties of justice, who had opened to public and private need the inexhaustible fountain of her compassion, and thus had known how to establish order and liberty in all relations of civil life upon the only true foundation of the faith. With regard to the realisation of the demand for ecclesiastical liberty, the bishops will respect the treaties concluded with the Holy See; but whenever they should prove to be hindrances to the life of the Church, they will address themselves to the Pope in order to invoke his mediation for the removal of such obstacles. But where neither treaties exist, nor ordinances of ecclesiastical law, they will feel themselves obliged to assert the freedom and independence of the Church in the regulation and administration of her affairs. 'To this her original principle she will revert, without fear or hesitation, should her position in the State cease to be that of a public, privileged corporation. Towards those who profess other doctrines of faith, the Church has always asserted and will always assert the principle, that she embraces all mankind with equal love, and therefore even those who do not belong to her; that she *at all times observes that equal full measure of love and justice, which secures civil peace between the members of different confessions* (*!*) without, however, favouring an indifferentism, destructive at once of all religion, or a common system of worship in opposition to her ordinances.' Foremost among the rights of the Church is the divine right of imparting doctrine and education to mankind; and from this it follows, that she should have the power freely to determine the means requisite for that purpose, and to have entirely in her hands the training and discipline of those who carry on her work of education. This is to be effected in conformity with the resolutions; and above all they claim the most complete liberty of union with respect to the Orders, Congregations, etc., and likewise the independent administration of the property of the Catholic Church, and of her charitable foundations. The sole legal rights attaching to this property are vested in the community of the one united Catholic Church. In conclusion a solemn protest is recorded against the odious suggestion, that the necessary connection of the bishops with the Holy Father is un-German and dangerous, whereas that same connection is inseparable from the idea of the Catholic Church.

Skilful composition of the Memorial.

One cannot sufficiently admire the skill in the composition of this Memorial. On the one hand it claims the most absolute liberty and independence for the Church, giving the most comforting assurances of her toleration, in the teeth, however, of all historical experience. But within the Church the bishops ask only liberty for themselves; they want really to retain the absolute power over their subordinate clergy and their flocks. On the other hand, to the shaken and trembling Governments it holds up the Catholic Church as the only mainstay against revolution. And so deeply were those Governments then absorbed in political questions, that not one of them protested against this programme of the bishops, so fraught with importance for the future. Hand in hand with these proceedings went the most prolific exercise of the newly-acquired right of union. Catholic associations were formed on all sides, under the direction of the clergy, and soon numbered their members by thousands, who asserted the absolute liberty and independence of the Church, and treated all political as well as social questions from an exclusively ecclesiastical point of view.

Question of State interference in internal affairs of the Church.

After the shipwreck of the National movement, it became a question of especial importance, what position the different Governments should assume towards the demands of the Catholic Church.[1] Already before the debate at Frankfort on the fundamental law, the Commission on the Constitution, appointed by the Prussian Parliament, had proposed in their draft to extend to all religious societies the free and independent management of their internal affairs and the administration of their property, without setting up any rule to determine what those internal affairs actually were. The Government objected, that language so general would open up a dangerous conflict between Church and State; that there existed a *negative* right against every religious society—a right, in other words, so far to superintend the Church as not to tolerate transgressions in the independent management of its affairs—which must be conceded to the State, unless it should be ruled over in its own house; and that nothing but the *positive* interference of the State in the internal affairs of the Church should be recognised as inadmissible. In answer to this the Catholics, who were numerously represented on the Commission, insisted that precisely because the separation of the internal and external affairs of the Church was so difficult, the autonomy of religious societies should be extended to the latter. Finally they agreed simply to accept the article of the

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[1] Compare Richter, 'Die Entwicklung des Verhältnisses zwischen dem Staate und der Katholischen Kirche in Preussen seit der Verfassungs-Urkunde vom 5 Dec. 1848.' (Dove, 'Zeitschrift für Kirchenrecht,' i. p. 100 *seq.*)

Frankfort fundamental law: 'Every religious society regulates and administers its affairs independently,' without, however, its addition: 'but remains subject to the general laws of the State.' Thus worded, with the further amendment only, that instead of 'every religious society' was inserted 'the Evangelical and the Roman Catholic Church, as well as every other religious society' (§ 12), the article was embodied in the Constitutional Charter of December 5, 1848, as well as into the Definitive Charter of January 31, 1850. In harmony with this principle were the enactments which followed, the one granting free communication between religious societies and their superiors, the other relating to the promulgation of Church decrees. With regard to the right, hitherto vested in the State, of nominating, electing, or confirming to all appointments in the Church, Article XV. of the Constitution of 1848 simply declared it abolished, whereas the Constitution of 1850 qualified its exercise by the proviso 'so far as it properly appertains to the State and does not rest on patronage or special legal privileges.' In this manner the co-operation of the Government in the election of bishops was secured in conformity with the agreements made in 1821 and 1841 with Rome. With respect to Church patronage, the project of the National Assembly had simply proposed its abolition: both constitutions merely declared that a special law should be issued to regulate it, and prescribe the conditions under which its abolition was to be effected. With regard to the question of marriage, the Constitution of 1848 determined (§ 16), that its legal validity should depend on its being concluded before the civil officers appointed for that purpose, and that the religious ceremony should only be performed after the completion of the civil contract. The Constitution of 1850 merely held out, in general terms, a prospect of legislation on civil marriage. As to religious instruction in the national

Constitutions of 1848 and 1850.

schools, the charter of 1848 declared, that it should be 'superintended and controlled' by the religious societies of the locality (§ 21). These words the charter of 1850 altered into 'conducted,' adding, as a further principle, the provision, that the Christian religion should be made the basis of all arrangements connected with the exercise of religion, without any detriment to religious liberty.

It was obvious that principles, so general and comprehensive, required the formal sanction of a law, to be issued either by the State alone, or in concert with the Churches concerned. But the former alternative was not realised, and the latter, which had in fact been contemplated, was frustrated by the declaration of the Prussian bishops, that they had already assumed the rights conceded to the Catholic Church, and were prepared to resist 'any attempt to circumscribe them anew by any so-called explanatory additions.' Moreover, they had already at an earlier stage (July 1849) protested against all still remaining restrictions 'as contrary to the rights of the Church, inherent in her by virtue of her divine foundation, and therefore inalienable.'

Concessions of the Government.

The Government simply acquiesced, and with regard to other articles of the Constitution advantageous to the Church, showed a disposition to meet the bishops halfway in their interpretations. Thus with Article XVII. in particular, relating to religious societies, the formation of which was permitted by the general right of union, but which could only obtain corporate privileges by legal enactment, those privileges were now repeatedly granted by a cabinet order. Again the right of union, conceded formally alone to Prussians (Art. XVIII.), was now voluntarily extended to foreign members of religious societies.

The State surrenders its guardianship of the Church.

Thus was broken the former system of State guardianship resting on the *Landrecht*. Not only did the State surrender its direction of the Church, but, as in Belgium, the right of supervision. Nevertheless, as in that country so in Germany, the principle of a separation of Church and State was by no means carried out consistently; for the State, while retaining no longer any influence over the training[1] and appointments of the clergy (saving those to bishoprics), nevertheless, by transferring to them the conduct of religious instruction, and the inspection of schools —chiefly by ecclesiastics—virtually surrendered the entire management of education in the national schools. The Church was left to administer freely not only her own property, but 'all funds and endowments of institutions and foundations devoted to the purposes of her worship, of instruction, and of benevolence' (Art. XVII.). The promised law on civil marriage never made its appearance, and consequently all subjects were left to fulfil the conditions under which alone the Church performed the nuptial rite. Although the clergy no longer enjoyed any jurisdiction in secular affairs, the civil courts were directed to comply with the requisitions of the ecclesiastical tribunals in questions of Church discipline and marriage. To put down pulpit declamations impugning the rights of the civil power, or of other confessions, there remained only the coercive weapons given by the law of union. In a word, the Catholic Church enjoyed in Prussia, after 1850, all the advantages of a Free Church, without her burdens and drawbacks. Not only had all former restrictions been removed, but she retained also all the prerogatives which attach to a privileged

Freedom of the Church in Prussia.

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[1] A ministerial decree of the 28th February, 1851, declared expressly that the education of an ecclesiastic in a foreign country does not exclude him from any office, provided he is possessed of civil rights. The bishop is empowered in like manner to allow the cure of souls to foreign ecclesiastics wherever they possess a fixed residence in the country. Those who assist with exercises, missions, &c. . . . shall not be interfered with, provided they keep within the common law. Jesuits alone, or such ecclesiastics as have studied in their colleges, require a special ministerial permission for their appointment.

Church, and which she amply used for her advantage amidst the constant overtures of the Government. No wonder, therefore, that she was fully satisfied with her new position, or that her power visibly increased, as was inevitable, during the next twenty years.

Episcopal demands in Bavaria.

In Bavaria the bishops reverted consistently to their former demand for the abrogation of the edict on religion, as stultifying the Concordat, and an edict which they had never recognised, nor ever would recognise. They demanded in particular the abolition of the *Placet* and of the *Recursus ad principem.* They obtained, it is true, many practical concessions, the Government promising to interpret doubtful clauses of the Edict as far as possible in the sense of the Concordat; granting beforehand the *Placet* for the proclamations of the Jubilee and Indulgences; discontinuing the despatch of Commissaries at the election of monastic superiors; promising, at the appointment of teachers of religion, to ascertain the opinion of the bishops immediately concerned; and conceding to the episcopate the right of inspection over all religious instruction.[1] But with respect to the actual rights of State supremacy, Maximilian II. remained inflexible, and faithful to the doctrine imbibed from Dahlmann, that the clergy must not be allowed to exercise any dominion in the State.[2] In this policy he was vigorously supported by the Second Chamber; and the bishops yielded to what was inevitable. Nevertheless the Ultramontane party made great progress in Bavaria during this period. The Jesuits themselves, being excluded from the kingdom, successfully directed their influence to filling the episcopal sees and the theological chairs with pupils of the 'Collegium Germanicum' at Rome. When Koch, the Minister of Public Worship, refused to give a vacant professorship to a man of this kind, he was denounced to the king in a pamphlet 'Zur Belehrung für Könige' (1866). The papal nuncio enjoined the bishops to promote Ultramontane priests, and compelled them to give preference to those who had been educated at Rome. By this means the clergy gradually became Ultramontane; these men sent secret reports on their brethren, the bishops, and influential laymen to Rome; they established journals and unions, and introduced missions into the country for the propagation of their doctrines.

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[1] Royal decree on the execution of the Concordat. ('State Archives,' xxiii. p. 173.)

[2] A zealous pupil of Dahlmann, discontented with the Bavarian policy, and not on good terms with his father, he nursed within him, when Crown Prince, the thought of a total rupture with his Church. Dahlmann opposed this, and showed him how seriously he would injure, by so doing, the good cause of the Bavarian people. 'I keep only to the one side of the matter. The clergy must never be allowed to have any dominion in the State, and I urge upon him on all sides how such dominion would destroy religion and the State.' (Springer, 'Dahlmann's Leben,' vol. i. p. 269.)

Conflicts in the Upper-Rhenish Church Province.

Meanwhile in the Upper-Rhenish Province of the Church matters came to serious conflicts. The soul of these was the new bishop of Mayence, William Emanuel, Baron Von Ketteler. Ever since his entry into the Church he had devoted himself with fearless energy to her interests. His first act of boldness, and that at the worst period of revolution, was to conduct a procession of the Corpus Christi from Berlin to Spandau. At the graves of Lichnowsky and Auerswald he branded the sentiments from which that cowardly murder had proceeded. Such a man seemed to the Curia the very one desirable for sweeping out the old Febronian leaven still remaining in the Upper-Rhenish Province of the Church, and for putting an end to the *Kirchen-Pragmatik* of the governments. An opportunity was soon presented by the occurrence of a vacancy in the see of Mayence. Leopold Schmid of Giessen, though a distinguished professor of theology, and elected in canonical form by the

Ketteler's appointment to see of Mayence.

Cathedral Chapter of that town, was refused nevertheless the papal confirmation; and in open violation of canonical rules, and by virtue of an illegal devolution, the appointment was conferred upon Ketteler, who occupied the second place in the list of candidates proposed by the Chapter.[1] The Government looked on without stirring. When all was over, indeed, they issued a lame protest against the proceeding, as one that departed from all previous agreements, and could not be allowed to serve as a precedent. But, nevertheless, they accepted the bishop thus foisted upon them.

Ketteler's first act was to restore the decayed seminary for priests at Mayence; attendance at which was made compulsory on all students of theology, the result being to cripple hopelessly the theological faculty at Giessen. Next he plainly declared to the Government that the cancelling of the relations hitherto existing between Church and State in the Grand-duchy was the essential condition of a good understanding for the future. To the Minister who pointed out that the legal *status*, as hitherto, had existed undisputed, he replied with the remark that the Pope had always protested against the false principles of the *Pragmatik*; and that if the Church had suffered for twenty years, her patience must not be construed as assent; and he began forthwith to exercise a jurisdiction wholly unrecognised by the Government. Still more important, however, became his leadership of the campaign undertaken in common by the bishops of the province. The old archbishop of Freiburg, who hitherto had been in ill odour enough at Rome as a former subscriber to the protest of the Constance Chapter against the persecution of Wessenberg, submitted entirely to the guidance of his younger and more bellicose suffragan, who found further companions in sentiment in the bishops of Rottenburg, Fulda, and Limburg.

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[1] For the details of this unworthy proceeding see Friedberg, 'Bischofswahlen,' vol. i. p. 296 *sqq*.

Memorial of the five bishops.

These five prelates now addressed, in March 1851, a memorial to the Governments concerned, peremptorily demanding full liberty for the Catholic Church.[1] The Upper-Rhenish bishops, they declared, had borne the large curtailment of their most important privileges with a patience scarcely paralleled in the earlier history of the Church. But it had become evident, that since the Church in Germany had been robbed of those rights due to her by divine authority, the generation now growing up was losing also their belief in the Church as a divine institution—a belief required, if only for the purpose of ensuring civil order. The question, therefore, was not the removal of single anomalies, but the abolition of a whole system, the continuance of which was bound to bring about the total ruin of the Church in the Province. The bishops, accordingly, demanded, as necessary for the fulfilment of her mission by the Church, her absolute liberty, and the abrogation of all laws curtailing that liberty, especially the *recursus ad principem*, as involving resistance to her lawful authority. They declared, further, that every Christian State was bound in duty to provide the Catholic Church with the means essential for the attainment of her objects. They claimed a fixed endowment, to be derived from the property of the sequestrated chapters, abbeys, and religious houses, together with the free administration of this fund.

This step of the bishops was a challenge sufficiently bold to rouse the different Governments to deliberate in common on counter-measures of repression. They agreed, in consequence, on an Ordinance, which, while altering on many points the *Pragmatik*, adhered firmly to the *Placet* for all regulations not affecting the purely internal administration of the Church, as well as for all papal decrees, and for synods and their resolutions. To this the bishops replied in a protest, that, in obedience to the Apostolic injunction they 'must obey God rather than man.' They were resolved to respect, as their official rule of conduct, the Catholic dogma only, and the constitutional law of their holy Church, which was based thereupon, and firmly to resist all regulations hitherto put in force by the Governments. The latter met this answer with a decided repulse. They declared that open resistance of this kind could not be reconciled with the laws of the country, which the bishops had sworn to obey, and that eventually they would make their power felt in the proper quarter. The bishops, however, stood firmly to their ground, and simply persevered as they had begun. The Governments, one after another, abandoned their position, and commenced separate negotiations with Rome, which dragged on for years; while further conflicts with the bishops were avoided by repeated concessions on the part of the civil authorities.

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[1] Extract from memorial in 'Staatsarchiv,' xxiii. pp. 178, 180 *sqq.* Compare 'Der christliche Staat und die bischöfliche Denkschriften.' Heidelberg, 1852. A feeble reply to this work has been published under the title of 'Der paritätische Staat und die Forderungen der Bischöfe der oberrh. K. Prov.' Mainz, 1852.

Foreign assistance invoked by the Cardinals.

Before entering, however, on a consideration of the Concordats, in which this policy found its preliminary expression, it is necessary briefly to sketch the altered position of affairs, created by the restoration of the temporal power of the Papacy. Whilst, in the absence of Pius IX. at Gaëta, a democratic republic was being organised at Rome, a resolution of the Consistory of Cardinals (Feb. 7, 1849) had invoked the assistance of France, Austria, Spain, and Naples, for the re-establishment of the temporal sovereignty, indispensable for maintaining the liberty and independence of the Pope, as the head of the

Catholic Church. After the defeat of Piedmont at Novara (March 23), it was demanded further that the Pope should be conducted back as absolute prince, without any condition being attached to his restoration. This demand, however, created difficulties. France wished that the Pope should give certain guarantees respecting the future exercise of his temporal rule. In this Prince Schwarzenberg declined to join, urging that by interfering in the internal affairs of the Papal States, they would involve themselves in inextricable difficulties ; and he prepared to intervene with Naples and Spain. Such a solution, however, the French Government would not allow. They proposed and received a credit from the National Assembly for an expedition which, as they promised, should only serve to prevent Austrian aggression and secure the independence of Italy. On April 25, General Oudinot landed with 10,000 men at Civita Vecchia, and demanded the surrender of Rome, accompanying his demand with the assurance, that France in no way arrogated to herself the right to regulate interests 'which are essentially those of the Roman people, but are bound up with those of the whole Christian world.' De Tocqueville, who had meanwhile assumed the Ministry of Foreign Affairs, demanded, through the French ambassador at Gaëta, a recognition of the general principles, which the Pope had proclaimed in his 'Statuto' of March 14, 1848 ;—namely, a reorganisation of the judicial system, a code of civil law, elective municipal councils, a 'Consulta' which should have a final vote in all questions of taxation, and finally the secularisation of the administration. But the latest experiences of Pius IX. had been the turning-point of his mind. He who had approached his people so lovingly, had been rewarded by them with base ingratitude. His advisers, one and all, were telling him that he was only reaping the consequences of his mistakes ; that stubborn

Oudinot's expedition to Rome.

The Pope's refusal of reforms.

resistance to reform was the first condition of the stability of his temporal power. He abjured his liberal heresies, and from that day to this, has never again indulged in any exhibitions of the weakness of reform. M. de Courcelles therefore could obtain nothing: Antonelli complained of interference in the internal administration, and the Pope replied, that he was the same at Gaëta as at Rome; that France might do as she pleased; but that to a real amnesty he would never even listen. The ambassador came to Rome empty-handed, and General Oudinot could offer to the city, which had hitherto resisted his arms, no other terms of capitulation but this, that she should place herself 'sous la protection et les principes libéraux de la République Française.' These terms the municipality declined: the French marched in without any stipulations at all, and the Pope also was unconditionally restored. Oudinot was content with declaring that he would not permit any executions.[1] To the numerous persons not included in the amnesty he afforded means of escape, and himself assumed the command-in-chief.

His restoration to Rome.

The French Ministry and the President.

The French Ministry intended to publish a protest in the 'Moniteur,' setting forth the demands of France and how she had been treated, and thereupon to withdraw her troops from Rome. To have done this, indeed, would merely have caused the surrender of the city to the Austrians, and it was plain enough that the President would never submit to such a result. He endeavoured to save his position towards the liberal party by a high-flown letter to Colonel Ney (August 18, 1849), in which he declared, that France had not gone to Rome in order to crush Italian liberty, but to protect it against its own excesses and to give it a sure foundation, by bringing

Napoleon's letter to Colonel Ney.

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[1] Meanwhile these were going on with loose regard to law in the Northern provinces occupied by the Austrians.

back to the Papal throne a sovereign who had been the first to place himself at the head of all truly useful reforms. He understood the temporal power of the Pope to mean: a general amnesty, administration by lay officials, the Code Napoleon, and a liberal Government. French armies had once destroyed the abuses of feudalism; it should not be said, that in 1849 a French army had left behind it opposite results. This note incensed the Vatican extremely, but officially it was completely ignored,[1] and remained a dead letter. The Pope gave the French not a word of thanks for their assistance, which cost him nothing. He would much rather have seen the Austrians at Rome, although he had to maintain them in the Legations, because he trusted their system, whereas he was ever in fear of a revolution from Paris, which might possibly imperil once more his existence. At first there was again the promise of some reforms, but in point of fact the old ecclesiastical misrule was restored, and made doubly worse by the revenge which priestly domination sought to take for the past.[2]

To the French Government, whose position had been made all the more awkward by this result, since the President had published his letter without the knowledge of the Ministers, nothing finally remained but to put a good face on a bad matter, especially as in the new Legislative Assembly they were dependent on the support of the Ultramontane party and the Government. The President, meanwhile, to soften their indignation at his letter to Ney, offered them a pledge of his kindly disposition in the Education Bill, introduced in January 1850. In the debates on this measure, it was made abundantly clear that by the Catholic party liberty of instruction had been acquiesced in simply as a weapon against the July Government. The *bourgeoisie* had revolted altogether from freethinking after the Socialist Revolution of 1848, just as the nobility had done so after 1791. The vast majority of the propertied classes were unanimous on this point, that nothing but religious education could effectually tame the revolutionary spirit of the masses. The Liberals now, under the guidance of Thiers and Cousin, offered large concessions to the Catholics. The University still continued to enjoy a formal monopoly in the conduct of instruction,[1] but clerical influence was predominant in that quarter. The *Conseil Supérieur de l'Instruction Publique* had counted hitherto a number of members who were chosen by the Council of State, the University, and the Supreme Court of Justice. It was

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[1] In return, Antonelli issued from Portici a circular on the 8th September to the governors of the provinces, disputing the authenticity of the note, or, at all events, its official character. 'A note, nominally addressed by the President of the French Republic to Colonel Ney, commanding at Rome, has filled with joy the hearts of the rebellious and of the sworn enemies of the Papal Government, insomuch that these, though thinly scattered, meditate imposing onerous conditions upon His Holiness. The anarchical party lifts once more its head, and hopes to retrieve its past defeats: but in this note it is deceived. Although circulated by several newspapers, it is merely the result of a private correspondence, and has no sort of official character whatever. Nay, it was read with the greatest displeasure by the French commandant at Rome,' &c. . . .

[2] The documents proving the cruel treatment of all persons suspected in politics are found in the 'Documenti Officiali,' published in 1860 by the provisional government of the Legations, on the Papal Government there from 1850–59.

Education law, March 15, 1850.

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[1] The University had been founded by Napoleon in 1808 as a body 'exclusively charged with public instruction and education throughout the empire.' The decree of March 17, which founded it, provided that 'no school or establishment of any kind can be formed "hors de l'université," and without the authorisation of its chief.' This excepted only the seminaries for the special training of the clergy, which were left under episcopal control. 'L'Université sous Napoléon,' said M. Royer-Collard, 'n'avait été que le gouvernement appliqué à la direction universelle de l'instruction publique.' (Speech of M. Villemain, 'Ann. Historique,' 1844.)

now enacted that all its members should be chosen by the Minister of Public Worship, subject in each case to revocation by the President and the Cabinet, and that the Council should include four bishops. Especially important, however, was the article which released the communes from their obligation to establish and support elementary schools,[1] provided gratuitous instruction was supplied from other sources; a stipulation which, coupled with the further one, that the qualification of priestly office should suffice to dispense with the examination by the State, tended inevitably to concentrate the national education in the hands of the clergy.[2]

Nevertheless, the clergy refused to trust the President, on account of his revolutionary antecedents. Rome, above all, could not forget, and that intelligibly enough, his share in the insurrection of 1831, and knew perfectly well that under Cavaignac he had resisted the proposed intervention in favour of the Pope, as an interference between sovereign and people.

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[1] Under M. Guizot's law of June 28, 1833, every commune was bound to maintain at least one elementary school. If the revenues of the commune were insufficient, the department had to provide them; if the latter could not, the deficït was to be supplied by the State.

[2] Montalembert in his essay, 'L'Espagne et la Liberté' ('Bibliothèque Universelle et Revue Suisse,' April 1876, p. 639), written shortly before his death, but published posthumously, acknowledges his mistake. Speaking of the sitting of the Assembly on February 24, 1850, in which 'avec son illustre ami et collègue M. Thiers, il gagna la bataille décisive qui fit ouvrir en France tous les collèges des Jésuites,' he says, that at that time he sincerely believed he was acting in harmony with his faith and his love of liberty. But he exclaims, 'Nous avions tous tort alors; cela est clair. En bonne théologie M. Rénan seul avait raison; lui et ses pareils, qui soutenaient que le Catholicisme et sourtout les Jésuites étaient absolument incompatibles avec la liberté. Seulement il fallait nous le dire *alors*. C'était alors, et non pas maintenant, qu'il fallait nous apprendre que la liberté est une *peste*, au lieu d'en profiter, grâce à nous, pour venir, vingt ans plus tard, l'insulter et la renier en même temps que nous.' He might, however, have remembered the Encyclical of August 16, 1862, which had unmistakably explained what the Catholic Church thinks of civil liberty.

The Coup d'Etat, Dec. 2, 1851.

The *Coup d'Etat* first seemed to give the guarantee that Napoleon had broken with Liberalism and would be forced to lean for support upon the Church. After the Pantheon had been restored to the Catholic worship by the decree of December 6, and was dedicated once more to *St. Géneviève Patronne de Paris*, the whole body of the bishops, with the strictly Ultramontane bishop of Chartres at their head, declared for Napoleon, and Montalembert, in a public letter, registered his vote for the prince, 'who, for the space of three years, had rendered such immeasurable services to the cause of order and Catholicism.' The Pope wrote to Montalembert, declaring his full approval of this step; the clergy celebrated the new master of France as the saviour of society; and a few weeks after the famous December 2, a solemn *Te Deum* was performed in his honour in that Cathedral of Notre Dame, where the *Domine fac Salvum* had so often before been played, with all its variations, in honour of so many recipients of sovereignty.

Alliance between Cæsarism and the hierarchy.

The era had now commenced of the alliance between Cæsarism and the hierarchy. The education law of 1850 soon placed the entire conduct of education under clerical control, since the examination by the State could be dispensed with by a priestly *lettre d'obédience*. Of 1,400 higher educational appointments, 1,100 fell gradually into the hands of the clergy, and almost all the higher female instruction into those of sisters of orders. But, above all, the clergy assumed the management of the popular schools. They alone possessed the means of offering free schools to the communes, and conducted them by ecclesiastics, mostly school-brothers and school-sisters. Nevertheless, as no general obligation of school-attendance existed, the result was that the number of children who attended showed a marked diminution from the former average. According to a statement made by M. Barry, the Minister of Instruction, in many departments three-fifths of boys, and a little larger proportion of girls, received no school education at all. The so-called departmental universities (*Académies Universitaires*), together with their theological faculties, still remained under the Government; but in order to checkmate the influence of every independent professor, the bishops founded, by the side of each academy, a seminary, in which the pupils not only boarded but heard theological lectures from professors appointed by authorities of the Church. Inasmuch as no ecclesiastic obtained a living who had not passed through the seminary, the Government, unless its professors were to lecture to empty benches, was obliged to arrange a compromise and allow its candidates to be previously approved by the bishops.

Intolerance of Ultramontane clergy.

The result of all this was that the younger clergy became purely Ultramontane. They preached from the pulpit not the religion of love, but blind obedience to the omnipotence of the Church; and revelled in wanton invective against heretics, Freemasons, and Protestants. At the head of this movement were the bishops of Nismes, Poictiers, Montauban, and Toulouse, the last of whom, Mgr. Duprez, issued a circular in 1862, inviting a celebration of the night of St. Bartholomew. The clerical press gave their active support to this system of intolerance: the 'Annales de la propagande de la foi' were circulated by hundreds of thousands; the *Univers* singled out every bishop who still betrayed any Gallican tendencies, and denounced him to his Catholic congregation and to the Curia;[1] the Pope called the paper 'une grande institution Catholique,' which celebrated the Holy Inquisition and the glorious days of the Ligue, and combated classical culture as the cancer of modern society. Against these reckless attacks of Veuillot, who placed the whole fanaticism of clerical demagogism at the service of the Ultramontane policy, the protests of the more liberal Catholics like Dupanloup, Sibour, Ozanam, soon became unavailing. The Government did nothing to check these proceedings; on the contrary, they favoured the Ultramontane movement, because its adversaries for the most part belonged to the opposition. Lacordaire, in consequence of a vigorous sermon after the *coup d'état*, was excluded from all the pulpits of Paris. In the provinces the prefects, fully alive to the fact that their position depended solely on the good will of the Minister, sought support from the bishops, whose tenure of office was undisturbed by political changes, and who were willing, therefore, to earn episcopal gratitude by furthering directly the interests of the Church, and by quietly oppressing the Protestants. With regard to official papers, it was stipulated that the *comité de surveillance* should include at least one ecclesiastical member, without whose assent nothing relating to religion could be inserted.[1] The clergy on their part did not prove ungrateful for such effective support.

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[1] The papers found in the Tuileries, at the revolution of September, include a letter of Cardinal Cagiano to the bishop of Montpellier, in which the latter is advised voluntarily to resign his see out of regard

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to his health, since the Pope was towards him '*très-mal impressioné*' (No. XI. p. 25). At Paris there existed a regular clerical police, under the direction of Mgr. de Ségur, who denounced all of moderate views.

[1] See, for instance, the conditions under which the prefect of the Aveyron, Baragnon, promised to support a local paper. Art. 2: 'La rédaction de "L'Aigle" en ce qui touche les articles non communiqués sera surveillée par un comité dont la composition devra être agréé par M. le préfet. Un membre du clergé en fera nécessairement partie.' Art. 3. 'Aucun article de doctrine religieuse ne pourra être inséré dans le journal sans l'approbation du membre du clergé faisant partie du comité. Toute nouvelle, tout article d'administration, de politique, de littérature, qui pourra intéresser la religion, sera soumis au visa du même membre.'

At all elections their influence was secured for the Government, they were for ever impressing on the people, that the imperial rule alone could master anarchy, and they outbid each other in flatteries towards Napoleon.[1] The Crimean War, long premeditated and prepared, was popular with the clergy as being directed against the Greek Schismatics; even Drouyn de Lhuys declared at the very outset of the quarrel about the Holy Places, that they wished 'to liberate the Catholic religion from a state of subjection equally unworthy of herself and of France.'

Accordingly the relations also of the Vatican to France assumed at this period a very cordial form. There was no longer any question of repeating former demands; the French garrison at Rome was made permanent; the ambassador there, Count Rayneval, defended everything that was done in the Papal States, and the official press described the state of affairs as thoroughly satisfactory, whilst every unprejudiced person knew perfectly well that nothing but the foreign garrison was bolstering up the temporal rule of the Pope. The latter had now, with respect to his temporal government, relapsed completely into the ways of Gregory XVI., but he left this part of his administration to Cardinal Antonelli, who, after his return from Gaëta, became the all-powerful Secretary of State.[1] Hard and cunning, a master in the art of dissimulation, with adroit manners and a thorough

Absolutist policy of Pius IX.

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[1] Cardinal Matthieu, archbishop of Besançon, in acknowledging the present from Napoleon of a copy of his 'Julius Cæsar,' wrote thus: 'En lisant ce bel et étonnant ouvrage, j'ai pensé que Jules César était bien heureux d'avoir conquis les Gaules et composé ses commentaires, car sans cela l'Empereur eût fait l'un et l'autre.' (Papiers secrets du Deuxième Empire, No. 10, p. 41.)

[2] Cardinal Giacomo Antonelli was born in 1806 at Sonnino, a village in the Abruzzi, formerly notorious for its brigands. Educated in the Roman Seminary, he never became a priest. He entered the administration, and became first a magistrate, then a prefect,

knowledge of the world, the Cardinal had been superior, from the first, to the weakness of political or religious convictions. Having cast off his national liberalism of 1846, he made it his task to maintain the *Status quo* at home, and in his relations with abroad, to translate the *non possumus* into the language of diplomacy. Pius IX., on the contrary, devoted his whole zeal to the re-strengthening of the hierarchy. In his lofty conception of his spiritual sovereignty he was still more confirmed by the Jesuits,[1] who since his exile at Gaëta had taken complete possession of him, and who never ceased to urge upon him, that the best weapon against the revolution which was threatening his temporal power would be the increase of his spiritual one.

His subservience to the Jesuits.

It now remained to complete the re-establishment of papal absolutism in the Church as well as in the State. As to the former, it was necessary to crush whatever vestiges still existed of episcopal independence, and this task could be most effectually performed by inducing the Church herself to proclaim the absolute authority of the papal monarchy. Already at Gaëta had been sketched the plan of this campaign. The Jesuits fastened on Pius IX. at his weakest point—his mystic enthusiasm for the Virgin, whose worship, as he himself said, had been nearest his heart from his very childhood; and they

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then Secretary-General of the Interior, then Minister of Finance. He has never meddled with theology; the only science he loves is mineralogy: his collection is said to be without its equal, and he writes the most amiable letters to Protestant savants whenever the object is to acquire some rare fossil.

[1] The Jesuits have often been troublesome to this pope, as to his predecessors. In a moment of bitter, but just resentment, as Pressensé informs us in his 'Concile du Vatican,' he gave to Father Theiner the documents for his 'Life of Clement XIV.,' the most compromising book for the Order that ever appeared, because it came from the Pope. But after such ebullitions he has always relapsed under their dominion.

represented to him that there was nothing more suited to advance the honour, glory, and worship of Mary than to exalt the doctrine of her Immaculate Conception into a dogma of the Church. From Gaëta, accordingly, was issued on February 2, 1849, the Encyclical which notified to the bishops the appointment of a commission to decide on this question, and at the same time demanded their views about the matter. The commission, through the Jesuit Passaglia, gave their vote to this effect, that 'to the Virgin Mary must be ascribed, on the ground of Scripture (!), tradition, and worship, a conception immaculate from all stain of original sin, on account of her holiness transcending all that is human, and which is wholly incapable of any natural explanation.'

Dogma of the Immaculate Conception.

The so-called liberal Catholics betrayed on this occasion the most lamentable weakness. Only a few writers, and those not belonging to the clergy, protested against this Mariolatry: the *Correspondent*, the organ of Montalembert, Falloux, Dupanloup, and others, as well as the *Univers*, defended the impudent innovation. Of 476[1] bishops not one pronounced against the dogma itself; thirty-two demurred to its promulgation simply as inopportune, and four on the ground that the assembly proposed to be convoked for deciding upon it was incompetent. That assembly was never intended from the first to take the form of a Council, indispensable, according to the doctrine hitherto prevailing, to decide on dogma, but merely an episcopal conference, such as, in fact, assembled in November 1854, to the number of about 196 prelates. They were not invited, however, for deliberation, but simply to be present at the proclamation of the new dogma by the Pope, who gave them distinctly to understand that he would allow no discussion either on the dogma itself or on the opportuneness of its definition. On December 8, Pius IX., after high mass, adorned the image of the Virgin in the Capella del Choro with a crown of diamonds, in token that he had that day presented her with the only jewel that was wanted in her coronal, and issued the Bull *Ineffabilis Deus*, in consequence of which, 'after invoking the entire Heavenly Court (!) (*universæ Cœlestis Curiæ*), and under the inspiration of the Holy Ghost, by the authority of our Lord Jesus Christ, of the holy apostles St. Peter and St Paul, and our own authority,' the Immaculate Conception was declared binding on all the faithful as a doctrine revealed by God.[1]

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[1] The answers to the appeal were collected and printed in nine quarto volumes. Cardinal Wiseman makes the number 602. See his 'Pastoral announcing the Definition.' London, 1855, p. 2.—[Tr.]

The bishops rewarded for their compliance.

The real importance of this act consisted not in the dogma itself, but in the manner of its proclamation, which plainly signified the infallibility of the Pope. If the Pope could fabricate a dogma without the co-operation of the episcopate, then councils were obviously superfluous.'[2] The bishops by keeping silent had virtually accepted Infallibility; there remained to them only the formal act of abdication. The Curia, on the other hand, in return for such compliance, zealously favoured their efforts to bring the lower clergy and the theological faculties into strict subjection to their authority. Professor Hirscher, at Freiburg, who, with a significant reference to the rights of congregations, recognised by the ancient constitution of the Church, had advocated the revival of synods, was forced to recant.[3] Günther's philosophy was condemned as rationalistic, and its adherents were forbidden to propagate it. All means of effective opposition were taken from the clergy and the faculties by the concessions of the Governments to the bishops, and by their support of the Pope. It was laid down as a first principle, that the education of the clergy was to be exclusively in the hands of the bishops, without any interference of the State. The whole fabric of German theology, it was said, rested on a false basis; the true system was that of Thomas Aquinas, the purest organ of Catholic theology, which should be taken from the universities and placed under the bishops. The education of the clergy in the episcopal seminaries, from boyhood until ordination, was declared a *sine quâ non* of a better future. The foundation even of a Catholic university was contemplated in order to re-establish the principles of Catholic science; and Pius IX., by a brief of January 28, 1869, promised a plenary indulgence to all who contributed funds for this purpose. The professors of Catholic faculties who refused to submit to the doctrines of Ultramontanism were denounced by the chief organ of this movement, 'Der Katholik,' conducted by Bishop Ketteler. Towards the various states the mediæval relations of subordination to the Church were reasserted in all their vigour. The 'Civiltà Cattolicà,' which by a later brief of 1866 was constituted the official organ of papal authority, and was erected into a sort of journalistic congregation, represented these relations thus: God has instituted simultaneously the civil and the ecclesiastical powers for the external government of this world. He willed that between these two powers certain relations should subsist, in order that both might be able to fulfil their destination in common. Now it is absurd to say that the ecclesiastical power is to be subordinate to the civil, since that would be subverting the natural hierarchy of things, by seeking to place the spiritual below the temporal. The opposite rule, therefore, alone remains—to subordinate the temporal to the

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[1] Accordingly, later on, September 25, 1863, there was prescribed for the Catholic Church, by the bull *Quod jam pridem*, a new officium for the Immaculate Conception, 'because we have recognised it as necessary that the rule of prayer should agree with the rule of faith.'

[2] The archbishop of Malines, one of the most zealous champions of Infallibility, was quite right, therefore, when he exclaimed, 'Saint Père, vous venez proclamer deux dogmes en même temps!'

[3] 'Die kirchlichen Zustände der Gegenwart,' 1849.

Mediæval doctrines of the *Civiltà Cattolicà.*

spiritual. This relation is precisely analogous to that which exists in man between body and soul, where the former is subject to the latter; as the body needs the soul, so the temporal government needs a spiritual rule in order to be just and good It is necessary, therefore, that whoever possesses the sovereign power of the temporal government, shall be guided by the Pope, whom God has placed at the head of the Church and appointed the supreme lord and guardian of truth and of the immutable rules of justice. It is consequently the Pope's first duty to regulate all purely ecclesiastical matters, the extent and limits of which he alone knows, in absolute independence of the State. With regard to mixed matters, such as marriage, burial, and the management of charitable institutions, the civil power must request the Church to designate and define them, in order that it may not misinterpret ecclesiastical as mixed or even civil questions; and it has likewise to effect an understanding with the Church, whenever it desires to regulate the temporal side of these mixed questions. But wherever the civil law comes in conflict with the Divine and canonical laws the Pope, as interpreter of the latter, has the right to amend or to annul the former. And as he alone, by virtue of his Divine authority, can know what is sin, he also has the right to correct or to nullify laws which regulate purely temporal matters, for if the Pope condemns such laws as sinful, his condemnation is a proof that they are really contrary to truth.[1]

Papal aggression in England, 1850.

In point of clearness this programme leaves nothing to be desired. It cuts away the root from the so-called Liberal Catholicism, and it was strictly followed out. The first step of the Curia in this direction was the re-establishment of the hierarchy in England. The Catholic

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[1] Compare also the book of the Jesuit Liberatore, a personal friend of Pius IX., 'La Chiesa e lo Stato': Napoli, 1871.

Church in that country had hitherto been governed by eight vicars-apostolic; the Pope now declared, in a brief of September 30, 1850, that, considering the 'already large number of Catholics,' and 'how the hindrances which stood in the way of the spreading of the Catholic faith are daily being removed,' he judged that the time had come for restoring 'the ordinary form of episcopal rule in that kingdom.' For that purpose he divided it into one metropolitan and twelve episcopal sees, and invested their occupants with 'all the rights and privileges which the Catholic archbishops and bishops in other countries have and use, according to the common ordinances of the sacred canons and apostolic constitutions.' This brief, which explicitly declared its object to be 'the well-being and advancement of Catholicity throughout England,'[1] was followed by a pastoral of Cardinal Wiseman on his appointment as archbishop of Westminster: 'Your beloved country,' he said, 'has received a place among the fair churches which, normally constituted, form the splendid aggregate of Catholic communion. Catholic England has been restored to its orbit in the ecclesiastical firmament, from which its light had long vanished, and begins now anew its course of regularly adjusted action round the centre of unity, the source of jurisdiction, of light, and of vigour.[2]

This language and this act of papal aggression stirred the Protestant sentiment of the nation to its depths.[3]

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[1] Papal brief, *Ann. Reg.*, 1850, App. 405.

[2] Pastoral, *Ann. Reg.*, 1850, App. 411.

[3] Mgr. Talbot defended the bull as a necessity. 'In consequence principally of the Irish immigration,' he said, 'the number of Roman Catholics in England had become too large for the existing form of ecclesiastical government. The vicars-apostolic are merely the papal deputies. He is the bishop of England, just as he is the bishop of Rome; and as his vicar-general in Rome makes a periodical report to him, and takes his directions on every question that occurs, so the

Popular indignation.

Violent counter-demonstrations took place among both Churchmen and Dissenters, and Lord John Russell, the Premier, in a letter to the bishop of Durham, stigmatised the aggression of the Pope as 'insolent and insidious.'[1] Cardinal Wiseman endeavoured to allay the popular storm by a conciliatory address (Oct. 20), and the scheme of the proposed episcopate was reduced to more moderate proportions. But when the question came, how to repel the attack, it was found that this was not so simple. Did the Pope by governing Roman Catholics in England wrest from the Queen any part of her ecclesiastical supremacy? The Catholic Relief Act of 1829 forbade the assumption of any titles belonging to the bishops of England and Ireland; but the titles of these new bishops being taken from places not appropriated by existing sees, their assumption was not illegal. Statutes, indeed, were still in force prohibiting the introduction of papal bulls or letters into the country, but they had long since fallen into disuse; and such communications had been allowed to circu-

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vicars-apostolic referred to him every English matter that was not mere routine. The considering all this became an intolerable burden; our decisions were long delayed, and from want of local knowledge, often mistaken. It was necessary to bring England within the common law of the Church, and for that purpose to appoint a hierarchy which would possess defined and well-known powers. This could not be done without dividing the country into bishoprics, for a Roman Catholic bishop has always a territorial, not a congregational jurisdiction. We were not aware that we were even in danger of giving offence. If we had had the slightest suspicion of the storm which we were about to excite, it would have been easy to avoid it. The bull was signed three years ago, and has been acted on ever since. If instead of formally, perhaps I may say ostentatiously, promulgating it, we had merely continued to act on it quietly and silently, the fact that there was a Roman Catholic archbishop of Westminster would have gradually oozed out, and at length have become notorious without alarming anybody.' (Senior's 'Journals in France and Italy,' ii. 95, 96.)

[1] *Ann. Reg.*, 1850, p. 198. He associated this aggression with the movement of the Tractarian party.

CHAP. XXI.

Ecclesiastical Titles Act, Feb. 7, 1851.

late without molestation as natural incidents to the internal discipline of the Church of Rome. To prosecute Cardinal Wiseman for such an offence would have only been to make him a martyr. In these straits the Ministers finally resolved to introduce a bill prohibiting the assumption of all ecclesiastical titles involving territorial jurisdiction without the previous consent of the Government.[1] But in so doing they encountered opposition in Parliament from both parties. The Catholics complained that the bill not only contravened the principles of religious toleration, but deprived them of a privilege conceded by statute, since such territorial titles already existed in Ireland, where they were now proposed to be prohibited. The bill finally passed with a multitude of amendments, which only increased its stringency; but as a legislative measure it remained a dead letter.[2] The Church of Rome receded not an inch from her position: the Catholic bishops quietly continued to bear the titles bestowed upon them by the Pope, and in 1870 the inoperative Act was repealed.

Concordat with Spain, 1851.

With Spain the Curia concluded a Concordat in 1851, which restored to the Church two-thirds of her secularised property, invested the Catholic religion with a monopoly of power, and handed over the whole conduct of education to the clergy.

Holland. Alliance of Democrats and Ultramontanes.

The next blow was aimed at Holland. Here the democratic Minister Thorbecke, placed in 1848 at the head of affairs, had met with support from the Ultramontanes against the Conservatives and Old Liberals in the contest with the reaction then setting in, and in return he had made the Catholic Herr von Sonsbeek his Minister of Foreign Affairs. The latter now instructed the ambassador at Rome to urge upon the Pope the reintroduction of the episcopal hierarchy into Holland, adding that the present administration would offer no obstruction, but that another perhaps might raise difficulties, and they had better therefore act without delay. Accordingly, the papal nuncio at the Hague officially communicated to the Ministry the intention of Pius IX. to re-organise the Dutch bishoprics. He was informed in reply that, according to the fundamental law of the State, every religious community had the power to administer freely its own affairs. At the same time, with regard to the future establishment of bishoprics, the Government would hold themselves released from the obligations of the Concordat. Immediately after (March 1853), a Papal Allocution announced that, the flourishing kingdom of England having been happily won back to the constitutional organisation of the Catholic Church, the Holy Father could no longer withhold the same beneficial institutions from the countries of Holland and Brabant. Close upon this announcement followed the bull (*Ex quâ die*, March 4, 1853), which re-established the hierarchy in Holland, by founding the archbishopric of Utrecht and the four episcopal sees of Haarlem, Bois-le-Duc, Breda, and Œvermond.

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[1] Feb. 7, 1851; Hansard, 'Deb.,' 3rd series, cxiv., cxv., cxvi. The original proposal of the Government was to forfeit also to the crown all endowments acquired by the Catholic bishops. May's 'Constit. Hist.,' vol. iii. p. 233, ed. 1871.

[2] In his 'Recollections and Suggestions' Lord Russell passes this campaign over in silence.

Re-establishment of the hierarchy.

These proceedings, as in England, caused the utmost excitement among the Protestant population. The glory of their history, the battle for the Reformation, was called in the Allocution the work of a man hostile to God: the country itself was styled the Spanish Provinces, as in the sixteenth century. The Ministers, on being questioned in the Chamber, restricted themselves to the statement that they must await more precise communications from the Holy See; but they made a sally, at the same time,

Indignation of the Protestants.

CHAP. XXI.

against the movement, which Thorbecke designated as mere Protestant folly. The movement, it is true, overthrew him, and led under his successor to a law on religious societies, which regulated them in many respects on principles of police. But here, as in England, the bishoprics continued; and here also Liberalism, with its principle of *laisser aller*, has only proved that this principle, intended to render possible the maximum of liberty to the individual, finally leads to the tyranny of individuals over the masses. In both of these old Protestant countries, each of which, during this period of reaction, had a Liberal Ministry, Catholicism made extensive strides.

Imperial Patent of Austria, March 4, 1849.

But the greatest Catholic victory gained during this period, was the Austrian Concordat, which fully revealed the intentions of the Papacy with regard to modern society. That empire had, during the storms of the revolutionary years, passed through the same course of development in Church politics as Germany. The Austrian clergy also, in repeated assemblies, had demanded the liberty of the Church,[1] and the imperial Patent of March 4, 1849, which promulgated the new Constitution, recognised in general terms the right of self-government, as inherent in all churches and religious societies, subject to the general laws of the State. To give effect to these promises, the Ministers, shortly afterwards, requested the bishops to repair to Vienna,[2] and invited their suggestions for a rearrangement of the relations of the Church on the basis of those statutory provisions. Though the bishops, in their general declaration, hailed it as a beneficent change that the Catholic Church should be allowed in future, as section ii. of the Patent guaranteed, to 'order and manage its own affairs independently,' yet with respect to the provision 'subject, however, like every other society, to the general laws of the State,' they made the reservation that the Church, by virtue of her divine right, could never be dependent, in the sense attaching to any other society, on the regulations of the temporal power. The condition of their obedience was to be that the 'civil law should never overstep its proper limits, never interfere in nor disturb the legitimate exercise of ecclesiastical power.' They pledged themselves, indeed, 'not to introduce any change in existing arrangements without full and valid reason;' they acknowledged further that many of the regulations issued by the Government in excess of their rightful sphere of activity, were in themselves well fitted for their object; but they reserved to themselves the power to transplant, as it were, those regulations into the territory of the Church, and to 'breathe into them the spirit of religion, which alone can make them bring forth perfect fruit.'

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[1] They demanded that the principles of the Canon Law and the Council of Trent should be put in force. The Moravian episcopate concluded their memorial with the words of Pius VIII. to the bishops of the Upper-Rhenish province of the Church (Brief of June 30, 1830): 'Ecclesia libera est institutione divinâ, nullique obnoxia terrenæ potestati; intemerata sponsa immaculati Agni Jesu Christi. At per profanas illas novitates in probrosam redigitur miserrimamque servitutem.' (Roskovany, 'Monumenta Catholica,' vol. ii. p. 292.)

[2] It must be observed that the Hungarian bishops were not represented at this meeting. These, on the contrary, at a conference on the

Episcopal assembly at Vienna, April 30.

In eight special declarations the bishops, through a committee appointed to confer with the Government,

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20th October, 1848, joined the Revolution, feeling that to desert the national cause would deprive their Church of all influence over the people. Accordingly, in a pastoral of the 28th October they called upon them to defend their threatened fatherland, and exhorted them to pray for the Hungarian arms and for the enlightenment of their infatuated enemies, and commanded strict obedience to the Hungarian authorities. They even sent a deputation with a statement to the ill-informed Emperor, criticising in the sharpest terms the abuse of the royal name to shelter the attack on the free constitution of Hungary; but the protest remained unavailing.

further developed their views, entering more fully into details on particular questions. The Government acknowledged that the assembly of bishops, whilst zealously defending the claims of the Church, had laudably endeavoured to place the maintenance of ecclesiastical rights in harmony with the essential interests of the State. The assembly, however, was not an ecclesiastical synod, which, as the Pope, to whom the bishops had sent an account of their proceedings, observed, could only be summoned by express permission from the Holy See.[1] The government, therefore, could not come to a separate understanding with the bishops, but resolved to carry out provisionally the promises contained in the Patent of March 4. This was done by two exhaustive reports of April 7 and 13, 1850, addressed to the Emperor by Count Thun, the Minister of Public Worship.[2] The first of these explained at length the importance and necessity of a comprehensive readjustment of the relations between the Church and the State, and insisted that this object must be effected by joint action, and be guaranteed by a formal treaty with the Holy See. Since, however, such a treaty would require full and detailed negotiations, while all who took an interest in the Catholic Church were awaiting with lively impatience the realisation of the promises made in the Patent of March 4, the Ministers proposed that all those questions raised by the assembly of bishops, should, wherever it was practicable, be determined provisionally; but that, in regard to the others, the negotia-

Reports of Count Thun. April 7 and 13, 1850.

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[1] Brief from Gaëta, July 9, 1849. The Pope therein expressed a hope that the Emperor, well knowing how much the Catholic Church and her immutable doctrine contributed to the happiness of his subjects, would not only not allow the rights of the Church to be violated, but would grant her perfect liberty.

[2] These reports, in original and translation, are given in 'Correspondence respecting Relations between Foreign Governments and the Court of Rome.' ('Parl. Papers,' 1851.)—[Tr.]

tions with the episcopal committee should be continued, and preparations be made for a Concordat, so far as might be necessary, with the Papal See. With regard to the general principles to be observed, the report fully accepted the view of the bishops, in their introductory declaration, that the legal relations of the Catholic Church in Austria towards the sovereign, so far from being cancelled by the grant of religious equality contained in section ii. of the Patent, must be guided solely by the peculiar nature of her constitution. 'The Catholic Church,' said Count Thun, 'rests on the firm ground of conviction that not only the doctrine concerning her faith and morals, but also the fundamental principles of her constitution, have been communicated to her by divine revelation: she cannot therefore, like other societies, make arbitrary alterations in her own statutes. Accordingly, any Power, desirous of coming to an understanding with the Catholic Church in this matter, is bound to acknowledge those statutes (!) The spirit of mistrust, hitherto manifested by the State, paralysed the inner vitality of the Church, without offering to the temporal power any guarantees against ecclesiastical abuses.' It was recommended, therefore, that the *Placet*, hitherto required for the free communication of the bishops with Rome, should be abolished, and that pastorals alone should be submitted for previous inspection to the authorities of the State. The liberty of the Church required, in like manner, the unobstructed establishment of ecclesiastical jurisdiction. The Government, on the other hand, might lend her the support of the secular arm, when the episcopal sentence was recognised to be in conformity with law. In case, therefore, the spiritual authority should apply for the aid of the executive power, the latter must 'reserve to itself the right of inspecting the record of examination, in order to satisfy itself that the procedure

Ecclesiastical jurisdiction.

is in accordance with the ecclesiastical laws, which in this respect are alone to be considered.' (!) Should an ecclesiastic so abuse his privileges that the Government deem it necessary to remove him from office, they must first, out of the respect due to the Church, communicate with his spiritual superiors. In cases of clerical crimes or misdemeanours, the records of procedure in the temporal court are to be communicated to the bishop, so that the latter, previous to awarding any spiritual punishment, may judge for himself the degree of guilt which the convicted party has incurred in relation to the Church. With respect to Church appointments, the sovereign is to retain his right of nomination, but the advice of the bishop shall previously be taken, and the State is no longer to have any influence with regard to the examination of candidates for priestly office.

Count Thun's report on Education, April 13, 1850.

Count Thun's second report treats of the relations of the Catholic Church with regard to Education. He lays it down that neither can the Church give up her own separate establishments devoted to this purpose, nor the State resign the independent direction of those which it has founded. But in so doing neither must ignore the other. The Church is entitled to demand that the religious instruction, which by section iv. of the Patent she is entitled to provide in the national schools, shall be given in accordance with her principles; that no one, therefore, shall teach religion or theology who is not authorised to do so by the Church. The State, on the other hand, is to retain a directing and superintending influence[1] over the management of these national schools. The entire education of the clergy is to be placed in the hands of the bishops.

All these proposals were assented to by imperial

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[1] 'Leitend und überwachend auf die Volkschulen einzuwirken. (Report of April 13.)

Cardinal Rauscher.

resolutions, and carried into effect by the ordinances of April 18 and 23. It was mainly the influence of Othmar von Rauscher, bishop of Seckau, who died November 24, 1875, and who, as Cardinal and Prince-Bishop of Vienna, played a prominent part in the history of Austria at this epoch, that succeeded in gaining over the Government to these concessions. A man of great talent and learning, he had been entrusted by the Archduchess Sophia with the education of her two sons, the present Emperor and the late Maximilian, Emperor of Mexico; and, on the accession of the former in 1848, was called to participate in the most important affairs of the State. He succeeded in convincing the Emperor and his highest functionaries that it was necessary to break with the traditions of Josephism; that the suppression of the revolutionary movement, and the centralisation of the administration, by which the Government was endeavouring to establish the unity of the monarchy, could only be effected by an alliance with the Church and by restoring the old Catholic basis of the State.[1] The impression produced upon the nation by this surrender of the State to the hierarchy was one of crushing humiliation, and a petition was circulated for signature, protesting against the ordinances. The bishops, on the other hand, endeavoured to refute the complaints, as arising from misconception or malevolence. They recorded their thanks to the Emperor in a high-flown and pretentious address, promising to crown the edifice of law with the superstructure of religion; and the Pope, in his Allocution of May 20, expressed the hope that the Emperor would complete the work of re-establishing the liberty of the Catholic Church in Austria—a work already inaugurated in so grand a spirit.

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[1] In a pastoral of June 17, 1849, the bishops had declared that 'nationality is a remnant of paganism, the difference of languages a consequence of sin and the defection from God.'

Concordat with Rome, Sept. 18, 1855.

The clergy, meanwhile, did their utmost to profit by these favourable circumstances, and to bring the matter to a definite solution. And this was really done by the Concordat of 1855, which brought the empire under the dominion of the Canon Law to an extent scarcely paralleled in the days of Ferdinand II. This had certainly never been the intention of Schwarzenberg, the original advocate of an Austrian Concordat. He desired to use the power of the Church merely as a support for political absolutism, and for this very reason wished to remain master in his own house. The imperial rescript which sanctioned the proposals of Count Thun, and directed him to make the necessary preparations for an agreement with the Holy See, designated as its sole object those questions not yet disposed of, and which required the consent of the Curia. As such questions were named in particular the maintenance by the Government of its influence to exclude from all ecclesiastical appointments men who might endanger civil order. Even when, after Schwarzenberg's death, Rauscher had obtained the consent of the Emperor to a still more comprehensive agreement, and for that purpose had gone to Rome with the Cardinals Schwarzenberg and Scitowzky,[1] a work of such magnitude and importance as the Concordat afterwards became was not yet even thought of. However, the negotiations gradually led from one question to another, and the fatal admission having once been made, that the State recognised in principle the laws of the Church as binding on the civil power, it is not to be wondered at that Roman tenacity was victorious on all points,[1] and that even the few exceptional concessions made by the Curia were not embodied in the Concordat itself, but comprised in a supplementary note.[2] After this there could obviously be no longer any question of regulating by this convention the liberty of the Church, according to the principles of the civil constitution, which, as the resolutions of 1850 at least announced, had been meanwhile suspended. On the contrary, the question now was, as Art. I. expressly stated, to put the Catholic religion for ever in possession of 'all the rights and privileges, which she must enjoy according to the command of God and the stipulations of the ecclesiastical laws.' She is, therefore, to be not only the privileged religion of the State, but sole mistress. To what consequences this principle must lead may be inferred, if we recollect that the Roman Church, on the one side, claims jurisdiction over *all* baptised Christians, be they Catholics or not, and has therefore the right to compel non-Catholics to submission; and that, on the other side, separation from the Church is in itself considered a crime.[3] Consequently, not only general liberty of conscience and worship, but even the existence of the Protestants, were irreconcilable with the leading principles of the Concordat. To the Church, accordingly, is given not merely full liberty in the management of her internal affairs,[1] and freedom of communication for the bishops with the Pope as well as with the clergy and the people; but the whole education of the Catholic youth, in all public as well as private schools, is to be administered in accordance with the doctrines of the Catholic religion, and under the direction of the Church, none but Catholic teachers being eligible for appointment to the institutions destined for that purpose. Not only are the bishops given full liberty to censure books injurious to religion and morality, and to hinder the faithful from reading them, but the Government undertakes to prevent the circulation of such books by every suitable and convenient means (Art. IX.). All ecclesiastical causes, together with matrimonial affairs, are to belong solely and entirely to the jurisdiction of the Church. The Holy See 'does not object' to clergymen being summoned before the secular court on account of crimes and other misdemeanours against which the criminal laws of the empire are directed; but it is incumbent on that court to inform the bishop of it without delay; and in apprehending and detaining the offender, regard is to be shown which a proper respect for the clerical profession demands. . . . Clergymen will always suffer the punishment of imprisonment in places where they are separated from laymen, either in a monastery or in some other religious house (Art. XIV.). Episcopal crimes or misdemeanours, as settled by the Tridentine decrees, are to be adjudicated upon by the Pope; but the Emperor, by a secret article, reserved to himself the right, without prejudice to this promise, of provisionally decreeing what was necessary, should a case occur of high treason or *lese-majesté*. Effective assistance is promised for the execution of episcopal sentences against ecclesiastics forgetful of their duty. All the authorities of the empire are to show to the servants of the sanctuary the respect and veneration due to their position, and to take care that no hindrances be laid in their way in the exercise of their office. Not only are the clergy free to dispose of the property they leave at their death according to the laws of the Church, but her ordinances are likewise to be carefully observed by the lawful heirs in cases of intestacy. The livings are to be given away by the bishops in accordance with the decrees of the Council of Trent, the Emperor exercising the right of presentation to those canonries and livings which rest upon the right of patronage derived from the fund for religion or education, yet so that he must present one of three candidates proposed by the bishop, and private patrons in like manner. The right of nominating bishops is to remain with the Emperor, subject to the advice of the bishops belonging to the ecclesiastical province of the vacant see. The endowments of livings and seminaries are to be augmented as far as possible and their number to be increased according to requirements (Art. XXVI.). The property, composing the 'Fund for Religion and Education' (founded by Joseph II. from the secularised prebends and convents), is, in its origin, the property of the Church, and will be administered in her name under the inspection of the bishops (Art. XXXI.). For ecclesiastical tithes, abolished by the civil law, a composition is to be granted, in the shape of a corresponding charge upon real property or upon the public debt of the State (Art. XXXIII.). In the supplementary note by Rauscher (Aug. 18, 1855), it was promised further (Art. V.) that no professor of ecclesiastical law should be appointed without the previous approval by the bishop of his faith and doctrine; that in future no non-Catholic should be appointed to the University of Pesth; that all students of theology or members of orders should be exempt from military service, and that parish priests should not be liable to have soldiers billeted upon them.

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[1] This is the official statement of Count Beust in his despatch to Count Trautmannsdorff of the 2nd July, 1865. ('Staats Archiv.' xvii. p. 265.)

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[1] In the brief of 5th November, 1855, to the Austrian bishops, the Pope stated that the Emperor, 'complying more and more with our request,' had solicited him to conclude a Concordat.

[2] Jacobson, 'Ueber das Oesterreichische Concordat' 1856; Reyscher, 'Das Oesterreichische und das Würtembergische Concordat' 1858.

[3] 'Quisquis a Catholicâ Ecclesiâ fuerit separatus, quantum libet laudabiliter se vivere existimat, hoc solo scelere, quod a Christi unitate disjunctus est, non habebit vitam, sed ira Dei manet super eum.' ('Breve of Leo XII.,' July 2, 1826, in Roskovany, vol. ii. p. 225.)

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[1] Art. IV. gives the episcopate complete liberty 'pro regimine diocesium id omne exercere, quod sive ex declaratione sive ex dispositione sacrorum canonum secundum præsentem et a Sanctâ Sede approbatam Ecclesiæ disciplinam competit.' The validity of the 'discipline' is withdrawn from the cognisance of the State, and made simply to depend on the approbation of the Curia.

To these special provisions were added two general regulations, so sweeping in their nature as to destroy entirely the independence of the State. Article XXXIV. of the Concordat provided that 'all other matters, appertaining to ecclesiastical persons or things, of which no mention is made in these Articles, will be ordained and administered according to the doctrine of the Church and the existing discipline, as approved by the Holy See.'[1]

The practical effect of this was to give the Canon Law in Austria the same force as a civil statute of the realm. Besides this—a fact which was not divulged until 1867—Rauscher, now raised to be archbishop of Vienna and a cardinal, had secretly promised, in the name of the Government, that no law should be published relating to any confessional or inter-confessional question, whether touched upon in the Concordat or not, except with the consent and concurrence of the Papal See. As the latter of course claimed the right to decide whether the question was one of a confessional or inter-confessional character, the real centre of legislation, whenever the Curia decided in the affirmative, was transferred to Rome, as was shown by the marriage law of 1856.

Well might the Pope triumph over such a lion's share of advantage thus gained by the Concordat, although he represented the transaction as if he had only complied with the urgent request of the Emperor, while the latter had not carried into effect his most modest demands. The official Vienna Gazette (November 13, 1855) stated more accurately the views which had determined the policy of Austria. Great tasks, it stated, had been committed by Providence to the Austrian Empire, because it was a powerful Catholic State, and history bore witness that its dynasty had always accepted this high mission in the most disinterested spirit of self-sacrifice. The Concordat gave to her the fullest claim to the title of Protector of the Catholic Church. But this grand work was likewise for the interest of the State. Disturbing events had exposed to the different governments their weaknesses, to society its precipices, and thus had revealed the means for attaining salvation. Religious feeling alone was able to strengthen once more the loosened bonds, but for this purpose liberty must be given to the Church, and her co-operation with the State must be regulated in this spirit. It was an honour to Austria, and would prove her blessing, that she had been the first to undertake this task, the final consummation of which was sealed by the Concordat.

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[1] 'Cætera ad personas et res ecclesiasticas pertinentia, quorum nulla in his articulis mentio facta est, dirigentur omnia et administrabuntur juxta Ecclesiæ doctrinam et ejus vigentem disciplinam a Sanctâ Sede approbatam.'

Hierarchical domination.

How little did the result correspond with such high-flown predictions! The Austrian hierarchy indeed effaced the last vestiges of Liberalism. Those bishops in Hungary and Lombardy, whose views were still slightly tinctured with Josephism, were speedily compelled to recant. The Jesuits and their kindred orders spread in multitudes over the country. The number of convents and estates in mortmain rapidly increased; processions grew more and more frequent; Catholic associations and benevolent institutions were multiplied; the education of the people became the monopoly of the clergy. Nothing was done to promote the theological training of ecclesiastics; on the contrary, the bishops, who alone appointed and deposed the professors and teachers in seminaries,[1] introduced everywhere the scholastic method of theology as in use among the Jesuits. The priests were helplessly exposed to the arbitrary will of their episcopal superiors; the promise put forward in the Concordat, to augment as soon as possible their endowments, was never fulfilled. The average stipend remained 420 florins, as had been fixed in 1782; while the revenues of the bishops, on the contrary, were largely increased from the Fund for Religion, originally assigned for the general benefit of the Church. With regard to ecclesiastical property, the extensive powers of supervision and co-administration, formerly vested in the State, were reduced to the right of assenting to the sale and mortgaging of ecclesiastical estates, so that all restrictions against mortmain were abolished. No ecclesiastical foundations were to be abolished without the consent of the Holy See. As for the religious orders, Art. XXVIII. determined that all their members should observe the rules of the constitution to which they belonged, and that those who possessed a superior general at Rome should enjoy the free administration of the order, free communication with their subordinates, and full liberty of visitation. The bishops should have the right to introduce new orders and congregations of both sexes, according to the canons, subject to the duty of giving notice to the Government.[2] The introduction of the

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[1] Art. VI. 'Nemo sacram theologiam, disciplinam catecheticam, vel religionis doctrinam in quocunque instituto vel publico vel privato tradet, nisi cum missionem tum auctoritatem obtinuerit ab Episcopo diocesano, cujus eandem revocare est, quando id opportunum censuerit.'

[2] It is to be observed that throughout this Concordat, wherever the relations of the Church and State are touched upon, the most elastic and ambiguous expressions are used:—'Conferre cum Cæsareâ Majestate consilia,' or 'communicare cum Gubernio Imperiali consilia.' Did this mean that the consent of the Government was necessary, or simply that a friendly understanding should be aimed at? The German

Canon Law on marriage opened up for Rome a rich mine of wealth in the dispensations, which were necessary for all mixed marriages and for those in the prohibited degrees.

Surrender of the State.

The sum total of the results obtained by the Concordat was this, that the Church of Austria, constituted as a personality, not only became completely emancipated from the State, but made the State subservient to herself. The Emperor, it is true, had reserved to himself the right of nominating the bishops; but that right was to be exercised as before with the advice of the bishops, particularly of those belonging to the ecclesiastical province of the vacant see; and the Pope, moreover, had the power to refuse institution to unacceptable nominees. The only actual right retained by the State was that of providing for the expenses of the Church. And since, moreover, the Austrian was only a part of the Roman Catholic Church, her independence amounted solely to this, that she was bound hand and foot under the absolute dominion of the Pope, who ruled in Austria, with the sanction of the civil law, as second sovereign in the realm, just as had been the case at any period in the Middle Ages.

If, however, Rauscher's prophecy, that a new era in the spiritual life of Austria would be inaugurated with the Concordat, was fulfilled only in the sense of a spiritual decline, which estranged Austria still more from Germany, yet the victory achieved by Rome was for the moment so signal and important, that its effects reached far beyond the empire and its provinces.[1]

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official translation seemed to require the consent of the Government; but for the Curia, which had certainly deliberately chosen the word 'consilium,' only the original text was binding.

[1] No one at that time was louder in praising the Concordat than Professor von Schulte, at present one of the principal leaders of the Old Catholics. In his 'System of Catholic Ecclesiastical Law' (Giessen

With regard to the governments of the Upper-Rhenish province of the Church, it has already been observed how, in face of the hostile attitude of the episcopate, they could not long maintain their original position of resolute resistance to arbitrary aggression. Würtemberg began by entering into negotiations with the bishop of Rottenburg, which led to the proposed Concordat of January 16, 1854. But although that agreement contained the most ample concessions on the part of the civil power, it was not ratified at Rome, since the Pope wanted a new Concordat for the whole of the Upper-Rhenish province of the Church,[1] which should secure for those territories the same rights which had been acquired by the Church in Austria, an object zealously recommended by Austrian diplomacy to the South German Courts. Although the very example of Austria plainly showed under what conditions alone peace could be concluded with Rome, still they allowed themselves to be persuaded by the assurance of Antonelli—conveyed through the President of the Prussian Ministry, Von Manteuffel—that by negotiating

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1856, p. 187) he declared that this great act was the expiation of all that had been sinned in Austria against the Holy See since the days of Joseph II., and that other countries would not be able any longer to refuse the fulfilment of what eternal justice demanded.

[1] The Pope recommended the *chargé d'affaires* of Würtemberg at Rome to advise his sovereign to apply to the Holy See, declaring that he could not order the bishops to discontinue their opposition to the government until he took the matter into his own hands. Antonelli, who himself had described the conduct of the bishops as unprecedented, informed the Prussian *chargé d'affaires* that it was contrary to the principles of the Holy See to disavow zealous servants, but that it possessed abundant means to terminate the conflict before the breach had become irreparable; and that if the governments concerned would address themselves direct to Rome, with a view to negotiate a kind of Concordat, the Pope would silence the bishops, and the latter would doubtless come to terms. (Friedberg, 'Der Staat und die Bischofswahlen,' 1874, i. p. 314, ii. p. 204.)

direct with Rome means would be found to effect an agreement, since the Holy See was far from inclined, 'at that moment' (*à l'heure qu'il est*), to support all the claims of the bishops. In February 1856, Baron von Ow, the ambassador of Würtemberg at Vienna, was sent to Rome to negotiate a Concordat, which was concluded on April 8, 1857, together with an Instruction of the Curia to the bishop of Rottenburg and a Royal Declaration, in the character of a binding treaty. The Concordat itself is substantially a facsimile of the Austrian one, saving such modifications as circumstances rendered necessary.[1] It was obviously impossible to demand from a State like Würtemberg, only one-third of whose population were Catholics and whose king was a Protestant, the unqualified validity of ecclesiastical law, and consequently the exclusive privileges of the Catholic Church, the right of spiritual censorship, the absolute re-establishment of ecclesiastical jurisdiction, and other powers of that kind. Nevertheless, the changes introduced in existing relations were sufficiently momentous. The *Placet* was expressly, the *recursus ab abusu* tacitly, abolished; the episcopal oath of fidelity, formerly extending to the established laws of the country, was now made to refer only to the person of the sovereign, and that with the qualifying addition 'as becomes a bishop'—in other words, in conformity with the laws of the Church. Article IV. provided that the bishop, in the government of his diocese, should be free to exercise 'all the rights which belong to him in virtue of his pastoral office, or by the disposition of the canons, according to the present discipline of the Church, as approved by the Holy See.' This elastic provision was not further defined; and the 'Instruction'

Concordat with Würtemberg, April 8, 1857.

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[1] Compare Hofacker, 'Das Würtembergische Concordat,' 1860; Golther, 'Der Staat und die Katholische Kirche im Königreich Würtemberg,' 1874.

merely directed that such canons were not to be renewed which had become obsolete, with the sanction of the Apostolic See, owing to differences of relations arising from place or time. But, according to the Roman theory, all these rights, belonging to the bishop, are enjoyable by him not only over the Catholics, but over all Christians whatsoever within his diocese. The bishop was authorised further to confer all benefices except those which were subject to a right of patronage legitimately acquired. These rights of patronage, indeed, had increased in Würtemberg to a large extent through the mediatising at the beginning of this century, since the Government claimed them, as attributes of territorial sovereignty, for all offices, where the appointment had previously rested with the bishops immediate of the empire. One half of these the Government left to the free nomination of the bishops, together with all those which did not rest on any special title of law. In these cases, as with presentations by other patrons, the Government resigned its right of confirmation, usually exercised hitherto, while the Instruction simply directed the bishops not to confer any benefices on ecclesiastics who, on weighty and well-substantiated grounds, and in respect purely of civil or political conditions, were displeasing to the Government. The authorities of the Church were to prescribe and direct the examinations—hitherto conducted in common—as well of students to be received into the seminaries as of candidates for benefices. The bishops were to be free to establish and regulate the management of seminaries, in the form laid down by the Council of Trent, to appoint and remove the teachers and professors, to introduce into their dioceses religious orders and congregations, approved by the Holy See, after consulting in each case (*consilia conferre*) with the Government, whose voice, however, was not final and conclusive. Article V. gave to the episcopal tribunal the right to exercise jurisdiction, by the rules of the canons and in accordance with the Tridentine decrees, in all ecclesiastical causes. Only the civil effects of matrimony were left to the secular judge, who was permitted also by his Holiness, 'out of regard to the circumstances of the time,' to take cognisance of and decide all purely civil suits, in which clergymen were parties, such as those respecting contracts, debts, and inheritance. Religious instruction was placed under the direction of the bishops, who were allowed also to 'exercise influence in the national schools, in a manner compatible with the existing laws, and the proper unity of administration.' Finally, with a view to give to those Catholics who studied at Tübingen an opportunity of hearing lectures on philosophy from Catholic professors, the Government undertook, in filling the chairs, to pay due regard, as far as practicable, to the appointment of Catholics.

It must certainly be confessed that the Vatican had every reason to be satisfied with such results, and to expect from the Concordat the extension of the Catholic faith. Here, as in Austria, the importance of these proceedings consisted in the fact, not that the Curia renewed its old claims to an independent position of the Church within the State, but that both governments scrupled not to procure for these claims a legal title resting on solemn compact. Especially remarkable, in a State so preponderatingly Protestant like Würtemberg, was the introduction of the Canon Law, so far, indeed, as such a thing was possible at all. For this very reason the Concordat was so profound and searching an alteration of all previous relations between Church and State in the kingdom, that one can scarcely understand how the royal decree which published it could declare, that the autonomy granted to the Catholic Church was in accordance with the constitutional right of supervision enjoyed by the king, and could begin to give effect to resolutions which were openly opposed to the existing constitution.

Baden Concordat, June 28, 1859.

Still worse, if possible, was the Concordat of Baden, which was not finally concluded until June 28, 1859.[1] Here the proceedings of the bishops had been far more reckless and intemperate than in Würtemberg. The archbishop of Freiburg forbade the mass for the soul of the Grand Duke Leopold, who died in April 1852. The examination of seminarists was conducted without the assistance of the commissary deputed by the sovereign; criminal jurisdiction was exercised by the Church without regard to the existing law; the appointment of priests in particular was conducted with sole reference to hierarchical interests. After Würtemberg had thus given way, Baden yielded likewise, and came to an understanding with Rome, first about an Interim, which already gave a plain foretaste of the 'Definitivum.'[2] It was evident, from a glance at the Concordat, that someone versed in ecclesiastical law—the man was Dr. Rosshirt—had assisted in its compilation. Thought had been taken of the oath to be demanded from the priests, of the possibility that the archbishop might extend his jurisdiction to Protestants, of the exclusion of foreigners from ecclesiastical appointments, of the co-operation of bishops at examinations, and the reorganisation of the episcopal tribunals, etc. The assent of the Government was reserved for the introduction of religious orders; on the other hand, still larger concessions were made to the independence of the archbishop. Thus, with regard to the system of education (Article X.), it was promised, in the final note of the Government, that in case any professor at the University of Freiburg, not belonging to the theological faculty, should contravene in his lectures the Catholic doctrine of faith and morals, all possible respect should be paid to the complaints preferred by the archbishop; that, if he so required, the pupils of the higher seminary should be separated at the lectures from the rest of the students, etc. And here, as in Würtemberg, the Government insisted that the Concordat, whose opponents the Pope, already at its conclusion, had given over to the 'wrath of Almighty God and His holy Apostles Saint Peter and Saint Paul,' was made 'without prejudice to the inalienable, supreme right of protection and supervision enjoyed by the sovereign of the country.'

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[1] 'Das Badische Concordat,' Preuss. Jahrb. v. 188.

[2] In the general synod of 1855 Hundeshagen proposed in a formal motion to request the Government to repudiate, in the convention to be concluded with the Curia, all recognition of the Canon Law, and to reserve expressly the rights of the Evangelical Church. If, indeed, the latter was impossible, the former was all the more imperative. Nevertheless, the synod rejected the motion, on the ground that the peace in which the members of the two confessions lived together was a sufficient proof that no danger of any collision existed. ('Preuss. Jahrb.' v. 204.)

Nassau.

The Duchy of Nassau likewise negotiated at Rome for an agreement, but the negotiations led to no practical result.

Hesse-Darmstadt.

In Hesse-Darmstadt the minister von Dalwigk concluded in 1854 a secret convention with the bishop of Mayence; which was not ratified, however, by the Curia until 1856, after the Government had made further and very considerable concessions. By this instrument the Catholic Church in the Grand-Duchy virtually obtained all that had been comprised in the Concordats of Würtemberg and Baden, concluded immediately with Rome.

Electoral Hesse.

The electorate of Hesse alone held firmly to the right principle, namely, to refuse all negotiation with Rome, but to effect an understanding with the bishop of Fulda with reference only to his special wishes.

These victories of the Curia over the various governments naturally enhanced, to an ever-increasing extent, the influence of the clergy over the whole national life. Education was virtually their monopoly; the missions, directed chiefly by Jesuits, worked upon the masses, by their drastic sermons and devotional exercises, with quite as permanent an effect as the pilgrimages and processions. A network of clubs or 'unions,' which were in close connection with each other, and had large pecuniary resources at their command, embraced the entire Catholic world. The Ultramontane press made a powerful advance; and in the various orders and congregations, which were rapidly spreading in all directions, Rome found a militia ready at any time to fight for her most extravagant pretensions. Accordingly, the attitude of Catholicism to Protestantism naturally became more harsh and uncompromising. Already in a speech of February 3, 1853, the presiding ambassador of Austria, Baron von Prokesch, had not scrupled to tell the plenipotentiaries of the thirty-three Evangelical princes and Free States represented at the Federal Diet, that 'all the mischief and misfortune that had come upon Germany since the sixteenth century, originated in the Reformation, which had broken the unity of the Church, and thereby destroyed all the glory and grandeur of the august edifice of her temporal counterpart and image.' Bishop Ketteler declared in his pastoral of 1855, inviting the clergy to attend the anniversary of St. Boniface:—'Just as the Jewish nation lost its mission on earth when it crucified the Messiah, so the German nation lost its high calling for the kingdom of God when it rent asunder the unity of the faith which St. Boniface had founded. Since that time Germany has scarcely done anything but to destroy the kingdom of Christ, and to bring about a heathen conception of the world.' And at the Jubilee itself the bishop of Strasburg preached a sermon in the cathedral of

Mayence, in which he solemnly called upon the Queen of England 'to restore the tiara, which she was wrongfully wearing upon her head, to him who was its rightful owner—the Pope of Rome,'—language which gave occasion for the eloquent protest of Bunsen, in his 'Signs of the Times.'

General advance of Catholicism.

Everywhere then, during this period, we see the powerful advance of the Roman Catholic Church.[1] The alliance of Throne and Altar, which during the Restoration had only ruled the Latin countries, became general during the decennium after 1850. The governments thought to find in the Catholic Church the safest support against revolution; and not only granted to her the independence, which she had first of all found the courage to demand during the Revolution, but even placed at her disposal the resources of the State for turning that independence to full account.

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[1] The only defeat it suffered, with the exception of Sardinia, which we shall shortly consider more closely, was perhaps in Belgium. There the immediate attacks of the bishops' pastoral letters against some professors at the University of Ghent; and still more the Charitable Foundations Bill of 1857, which, although not openly purporting to confer the rights of corporations on charitable institutions, aimed at giving them a legal title to the acquisition of endowments under a deed of gift emanating from a fictitious donor (the *administrateur spécial*), roused the Liberal party from the apathy into which they had sunk in consequence of the reaction throughout Europe. Violent commotions ensued, and Brussels became the scene of popular disturbances. King Leopold soon interfered, and ordered the bill to be withdrawn, notwithstanding that the ministry still commanded a majority. In a letter addressed to them he said, 'Il y a dans les pays, qui s'occupent de leurs affaires, de ces émotions rapides, contagieuses, se propageant avec une intensité qui se constate plus facilement, et avec lesquelles il est plus sage de transiger que de raisonner.' Perhaps it was scarcely flattering for the Liberal party, when the king declared that it was necessary to come to a compromise, as it was difficult to reason with them; but nevertheless he was certainly right in perceiving that there are cases where the parliamentary support of the day is not sufficient. The ensuing elections gave a decided majority to the Liberal ministry of M. Rogier.

Catholic progress in America.

And in the United States, meanwhile, the Catholic Church made use of the opposite principle of separation of Church and State, continually to augment and develop her power. The Irish immigration swelled the number of Catholics in that country to five millions, and as these were wholly uneducated, and consequently the pliant tools of the priests, the clergy soon became, with the help of universal suffrage, so important a factor in political life, that each party endeavoured to win them by concessions, which again increased their power. Thus the Catholic Church in North America, which still at the beginning of this century had been poor and feeble, became rapidly wealthy and powerful. At the close of 1859 the property which she possessed in some forty dioceses was valued at 800 millions of dollars; and the Democrats, who had regarded it as impossible that the hierarchy should ever become dangerous in a country so preponderatingly Protestant, found themselves already obliged to bid for their support.

But the Curia, cleverly as it understood to turn these advantages to account, yet proved, in other respects, its shortsightedness by overstraining the bow; and by so doing, provoked a reaction, which hit it just at its most sensitive point, namely, the stability of its temporal power.

CHAPTER XXII.

THE ITALIAN QUESTION AND THE PAPAL STATES.

Sardinia: Resistance to Papal Aggression—Constitution of 1848—Abolition of Ecclesiastical Jurisdiction—Civil Marriage Bill—Convent Act—Cavour at the Congress of Paris—Italy: Count Rayneval's Report on the Papal States—Napoleon III. and Italian Independence—War between France and Austria—The Legations annexed by Sardinia—The September Convention—Papal Efforts to retain the Temporal Rule—Napoleon III. denounced by the French Clergy—His temporising Policy—The Turin Government and the Pope—Question of the *Status quo*—Cavour's 'Free Church and Free State'—His Overtures rejected by Pius IX.

Sardinia resists the Papacy.

WHILE Rome, during the ten years which followed 1850, seemed to march from one victory to another, supported by the universal movement of reaction, one dark spot remained on the horizon. Sardinia, small and isolated, but firm in her resistance to the alien influences that surrounded her, steadily refused to revoke the free constitution she had acquired in the stormy period of 1848, and to re-establish the alliance of Throne and Altar. Up to that period, indeed, she had been the 'promised land' of the clergy—a very paradise of priests. As recently as 1841, Charles Albert had confirmed in the Concordat their immunity from civil jurisdiction. Even the laity were subject to ecclesiastical punishment for blasphemy or heresy; the penalty of death awaited anyone who treated the consecrated wafer with contempt.[1] The whole system of education was in the hands of the religious orders; the censorship of the Church suppressed all intellectual life; the ecclesiastical right of asylum was absolute and supreme.

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[1] See 'Codice Penale,' Arts. 161, 162, 169.

Civil equality introduced by the 'Statuto,' March 4, 1848.

The new *Statuto* or constitution not only sanctioned the liberty of the press,[1] but proclaimed the equality of all subjects before the law. All jurisdiction was to emanate from the king, and to be administered by judges appointed by him; and no one was to be exempt from their authority. Anxious, however, to obtain, if possible, from the Pope a spontaneous abdication of those temporal powers of the clergy which were incompatible with the principles of the 'Statuto,' the Government sent a plenipotentiary to the Vatican, who should declare the wish of the king to negotiate a new Concordat, based on the abolition of the privileges of the ecclesiastical forum. This application met with a lecture from the Pope, followed by a rejection of the proposed basis of agreement; and when the envoy, the Marquis Pareto, proceeded to submit the scheme of a Concordat,[2] all that he obtained was the offer of a more restricted arrangement, such as had recently been concluded with Tuscany. The ministry now recognised the hopelessness of a compromise. By a law of October 1848, public instruction was placed under the Secretary of State, assisted by an administrative council, with an admixture of spiritual directors to watch over the interests of religion. The Jesuits of foreign extraction, who had found an asylum in Sardinia during the French occupation of 1796, and in Piedmont at the Restoration, were expelled, together with the nuns of the *Sacré Cœur*, and their property was appropriated to educational purposes.[1] Another measure provided for the abolition of tithes. The Siccardi laws of 1850 removed at length the anomaly of exceptional jurisdictions, by making all ecclesiastics amenable, in civil as well as criminal causes, to the ordinary tribunals. The right of asylum was now abolished: religious corporations were forbidden to purchase landed property, or accept donations or legacies, without authority from the Government. The Nuncio protested against this 'degradation of the priesthood;' and when the king gave his assent to these measures, abruptly quitted Turin. The archbishop, Franzoni, who publicly called upon his clergy to resist the new laws, and not to recognise the 'incompetent' lay tribunals, was sentenced to a month's imprisonment and a fine of 500 francs. Count Santa Rosa, one of the ministers, was refused the last sacraments of the Church, when on his death-bed, unless he retracted his participation in the Siccardi law. But the Government, supported by the popular indignation which this act created, and which ended in the expulsion of the archbishop, proceeded resolutely with its policy. They introduced a bill on civil marriage,[2] forbidding papal dispensations, but modified by the concession that the civil act should not precede the

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[1] Under a law passed in Oct. 1847, before the constitution was published, books imported from abroad might be admitted without passing through the ecclesiastical censorship; and only a licence of the civil government was required for the printing of books and journals within the kingdom. ('Quart. Review,' June 1855, p. 46.)

[2] 'Allocuzione del 22 Gennaio,' 1855, &c., p. 57, quoted *ibid.* p. 50. Rome significantly declared in its correspondence with Sardinia, that 'Concordats are inviolable *on the side of the civil power*, first, because they are of the nature of international treaties, and next, because they deal with the universal laws of ecclesiastical discipline, which *depend upon the discretion of the Roman Pontiff.* ('Alloc.,' p. 17.)

The Siccardi laws, 1850.

Civil Marriage Bill, 1852.

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[1] 'Atti del Governo,' 1848, p. 594.

[2] The bill, presented on June 9, 1852, passed through the Chamber of Deputies, but was rejected by the Senate. It was not finally carried until 1865. The original idea of Siccardi was to separate the legal contract from the sacrament of matrimony, leaving the performance of the latter ceremony to the option of the contracting parties. (Gallenga's 'History of Piedmont,' vol. iii. p. 407.) The priority of the civil act is not obligatory according to the existing law.

religious ceremony, but should follow it within twenty-four hours, thus taking the chief sting from the declaration of the Pope, that marriage, without the religious rite, was sheer concubinage.[1] A royal edict, instigated chiefly by the Marquis d'Azeglio, liberated, after centuries of oppression, the Waldenses, who were enabled, with English aid, to open churches at Turin and Genoa, and to circulate the Bible, so long withheld from the people, in the language of the country. The Convent Bill abolished all ecclesiastical sinecures, together with all such religious houses as were 'deemed of no practical advantage to the civil society,' those only being excepted which were devoted to public education, to preaching, and to the care of the sick.[2] It was proposed, indeed, by some to confiscate the whole bulk of ecclesiastical property, and to substitute, as in France and Belgium, a salaried for a beneficed clergy. But such a general seizure the Government resisted. The bill, as introduced by Ratazzi, was intended to make the Church maintain herself, and relieve the State from the burden of contributing to her support.[3] The proceeds derived from the sale of confiscated property were to form a Church fund, which, under the administration of a mixed board, should be applied to the relief of the poorer parish priests, and to other purely ecclesiastical purposes. Similarly, they rejected the demand of the Left, that the State should superintend the teaching given by professors in seminaries; and they refused to tolerate any attacks upon the Catholic religion, which, according to the 'Statuto,' was

Convent Act, May 29, 1855.

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[1] Allocuzione—Documenti, No. li. p. 193.

[2] No less than 334 houses belonging to various monastic orders, and containing 4,280 monks and 1,198 nuns, were closed. There still remained, however, 264 houses with 4,000 inmates. (Reuchlin, 'Geschichte Italiens,' vol. iii. p. 232.)

[3] An annual grant of 928,412 francs, or 37,000*l.*, had previously been voted in aid of the impoverished clergy.

the religion of the State. It was precisely the moderate character of these reforms, angrily contested as they were by the clergy and most of the nobility, that won for the only constitutional state in Italy the sympathy of all the liberals in Europe. While Austria was concluding her Concordat, and the Pope complained of 'the incredible, most cruel acts against the Church, her venerable rights, and the inviolable authority of the Holy See,' Piedmont, as Lord Derby expressed it, 'shone like a bright spot in the universal darkness.'

Cavour and Italy at the Congress of Paris.

A few years later, the great statesman who was guiding the rudder of the tiny vessel with so firm a hand against the waves of reaction all around, found his opportunity, offered by the alliance of Sardinia with the Western Powers, to plead the cause of Italy at the Congress of Paris; to expose, above all, the scandalous condition of the Papal States; and, notwithstanding the furious opposition of Count Buol, to induce England and France to declare that the situation in the Peninsula was untenable.[1] Count Walewski confessed the unmistakable anomaly of a government that required the permanent support of foreign troops to maintain itself in its own territory, and announced the readiness of France to withdraw her forces from Rome, as soon as this could be effected without peril to the Holy Father. Lord Clarendon agreed to the offer of evacuation, but urged the necessity of extirpating the root of the evil, and demanded from the Papal Government the promise of serious reforms. Russia and Prussia held back; Austria disputed the grievances alleged by Cavour, but could not help admitting the desirability of the proposed evacuation. France now attempted to induce Austria to recommend reforms in the spirit of Bunsen's Memorial of 1831. But at Vienna the French scheme was so modified by a counter-project as to render its original features undiscernible; and the Paris cabinet declined to come forward with any farther proposals of seeming reform.

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[1] Cavour's scheme, at least for a temporary settlement of the difficulty—as appears from his two state papers addressed to Lord Clarendon—was a confederation of Italian states with constitutional government and a guarantee of independence against Austria; and the secularisation of the Legations with a lay vicar under the suzerainty of the Pope. See 'Correspondence with Sardinia respecting the State of Affairs in Italy,' Parl. Papers, 1856.—[Tr.]

Report of Count Rayneval.

At this juncture, the French ministry received a damaging blow by the publication, through some indiscretion, in an English newspaper,[1] of a report of Count Rayneval, the French ambassador at Rome, and a devoted servant of the Curia, vindicating the Papal Government against all reproaches. This task, indeed, the ambassador could only achieve, partly by making wrong statements, to the effect that robbery and corruption were not more prevalent in the Papal States than in other countries; partly also by passing over a multitude of sore points in silence; and finally by setting up a wholly illusory distinction between priests and *Prelati*. In reply to the charges against priestly government, he declared that only a few priests were in the administration, most of those who were considered priests being *Prelati*. But in reality the whole difference between the two is simply this, that the latter do not, of necessity, take any irrevocable vows; —a circumstance that makes not the smallest difference in their political or social position. Both, in point of fact, are subject to the same laws; both have the ideas, the interests, the passions of the ecclesiastical caste.[2] Riche-

Priests and *Prelati.*

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[1] See 'Daily News,' March 1857.

[2] Roman 'prelates' *may* of course be priests, but they are not necessarily so. The conditions of admission to the *Prelatura*, as defined by the constitution of Alexander VII. in 1609, are (1) legitimate birth, (2) good morals, (3) the age of 25, (4) five years' study of law at the university, (5) to be 'doctior utriusque juris,' (6) two years' practice at an ecclesiastical court, (7) examination and a certain income. Hinschius ('Kirchenrecht,' vol. i. p. 387) defines their position as follows:

lieu and Mazarin were cardinals, but they ruled on purely secular principles, because they were ministers of the King of France: a *Prelato*, on the contrary, as a minister of the Pope, will always act in sole obedience to the cosmopolitan interests of the Holy See. The Curia was highly grateful at the time to Count Rayneval for undertaking the thankless office of defence;[1] but in reality he had rendered it very bad service indeed, by proving that the reforms demanded by the Powers would in no way remove the difficulties of the situation; and that a government, based on liberal principles in secular affairs, was incompatible with papal authority.

Napoleon espouses the cause of Italy.

Matters consequently remained, externally speaking, in *statu quo*; but inwardly the Italian question was ripening to a crisis. The most important gain that Cavour had brought with him from the Congress at Paris was that he had won over the French Emperor to the cause of Italy. Napoleon III. had made his first appearance on the European stage by joining the insurrection in the Romagna. In his letter to General Sercognani (Feb. 28, 1831), he had called the movement 'une cause sacrée,' and he never forgot his first political love. From dynastic motives he had conducted the Pope back to Rome; but he had felt keenly the offensive reception of his letter to Ney; nor could he shut his eyes to the fact that France

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'Prelates of the Roman Curia in the present sense are the clergy, who exercise certain functions of the supreme Papal Government of the Church, either singly or associated in bodies, either independently or assisting the cardinals. The "prelacy" is generally the avenue of promotion to the cardinalate.'

[1] Mr. Lyons, the English agent at Rome at that time, refers frequently in his report to this memorial, which he affirms was drawn up in concert with, and from data supplied by the Curia, for the purpose of securing the continuance of the French protectorate. See 'Despatches from Mr. Lyons respecting the Condition and Administration of the Papal States.' London, 1860.—[Tr.]

June 14, 1858.

was playing a most humiliating part in bolstering up the Papacy by her occupation, while not being able to receive the smallest concession in return. When now the attempt of Orsini had profoundly agitated the Emperor, and recent circumstances had somewhat cooled the sympathy of the English ministry with Sardinia, Cavour deemed the situation ripe for invoking the assistance of Napoleon; and he showed to him, at the interview at Plombières in the autumn of 1858, that the right way to render harmless the daggers of conspirators was to make himself the liberator of Italy. Concurrently with the famous New Year's speech of the Emperor to Baron Hübner, the *Moniteur* began to publish the letters of Edmund About on the 'Roman Question,' which exposed, in language of the keenest sarcasm, the real condition of the Papal States.[1] M. de la Guéronnière's pamphlet, 'The Emperor Napoleon and Italy,' which foreshadowed the course of policy, declared, with all reverence for the ecclesiastical dignity of the Pope, that the abuses of his temporal rule, and the discontent of the population, were such, that peace could only be preserved through the aid of the French garrison. The Pope was irreconcilably opposed to national aspirations: he must therefore be made independent of all questions of nationality and foreign complications, and occupy himself with the duty of reforming his government at home.

This was quite enough to cause the Ultramontane party grave disquiet. They felt instinctively that the defeat of Austria in Italy would put the papal power itself in jeopardy, and several French bishops came to Paris to dissuade the Emperor from his undertaking. When the war broke out, and the Legislative Body granted readily the necessary millions, some strict Catholic members demanded satisfactory assurances of the safety of the Pope and the independence of the Holy See. The president of the Council of State gave this assurance in the most unequivocal form, and the Emperor himself declared in his proclamation of war, 'Nous n'allons pas en Italie fomenter le désordre, ni ébranler le pouvoir du St. Père que nous avons replacé sur son trône.' The papal territory was declared neutral. But the 'inexorable logic of facts' was stronger than official declarations. After the Austrians had withdrawn from the Legations the latter rose, renounced the Papal Government, on the ground that the Pope had *de facto* abdicated his sovereignty by surrendering their noblest prerogatives into the hands of foreign generals, and established a provisional government at Bologna. Neither the tears nor the excommunication of Pius IX. could induce the provinces to tender back their submission, and the papal army did not venture on reconquest.

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[1] These letters, which, as the author informs us, he was obliged to discontinue, were afterwards recast into a pamphlet published at Brussels from more copious materials.

War between France and Austria. 1859.

A deputation prayed King Victor Emmanuel to consent to annexation, which was soon after completed, and in a letter to the Pope of December 31, advising him to give up the Legations,[1] Napoleon accepted the situation, unpalatable as it was to himself personally. The enraged Pontiff might now protest against such counsel, and remind the Emperor of his former promises. The *Giornale di Roma* might stigmatise the official pamphlet 'The Pope and the Congress,' which expounded the programme for the new position of France, as 'a web of hypocrisy and calumnies.' The Roman question had now been fairly set afoot, and could not again be brought to a standstill. Nine months later, after Garibaldi's capture of Naples, Sardinia advanced into the Marches, and by the day of Castelfidardo the Pope found himself reduced to the so-called

The Legations annexed by Sardinia.

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[1] See 'Moniteur,' January 11, 1860.

Patrimonium Petri. In May 1861 Cavour proclaimed Rome the capital, and in the following month France recognised the establishment of the new kingdom of Italy.

With the death of this illustrious statesman the Italian movement was arrested. His successors endeavoured as vainly to come to terms with Napoleon as the latter with the Pope, and, after Garibaldi's attempt to take Rome by force had been defeated at Aspromonte, the question was laid to rest till the autumn of 1864, when the world was surprised by the September Convention, by which the king of Italy pledged himself to abstain from all encroachments on the papal territory, to protect it from external violence, and to transfer his capital to Florence, France promising in return to evacuate Rome within two years. The Convention was carried out, but the second and imprudent rising of Garibaldi compelled Napoleon to occupy Rome a second time.

September Convention, 1864.

Papal efforts to retain the temporal rule.

From the decisive importance that has always attached to the temporal rule, in connection with the power and prestige of Rome, these events could not fail to react powerfully upon Catholicism at large. The papal allocutions, which exhausted the catalogue of curses and threats of punishment from 'the Holy Canons, Apostolic Constitutions, and Councils' against those who 'attack any manner the States of the Church,' aroused the whole episcopate, as also the religious clubs under its direction and the Ultramontane press, to a common crusade for the threatened temporal power of the Pope. The collections for Peter's Pence were organised on an extensive scale; the sons of the Catholic nobility entered the papal army in crowds; every possible means was invoked to exert pressure upon the various governments and induce them to interfere on behalf of the papal cause, as the States of the Church were the property of the whole of Catholic Christendom. Finally, in June 1862, the Pope summoned together most of the Catholic bishops of Europe to assist at the canonisation of the Japanese martyrs, the motive for which was plainly stated to be, that 'the Church in these times of oppression stands in need of new intercessors with God'; and on this occasion an address was signed by 21 cardinals, 4 patriarchs, 53 archbishops, and 137 bishops, assuring the Pope of their devotion, and declaring the necessity of his temporal dominion.[1]

But with all this, the course of events was not arrested. Austria, defeated abroad, deeply distracted at home, and forced to submit to the violation of the scarce concluded Peace of Zurich, was as powerless to intervene against the will of France as in Spain was Queen Isabella, who burned with zeal to vindicate her title of 'Catholic Majesty.' England openly took the part of Italy; Russia and Prussia condemned her conduct, but remained passive, and finally recognised the new kingdom.

Napoleon denounced by the French clergy.

The position of Napoleon, as may be conceived, was difficult in the extreme. The clergy, whom he himself had raised to power, and who had hitherto been the firm support of his government, threatened him openly with defection. The pastorals of French bishops yielded nothing in violence to the papal allocutions. The Bishop of Poitiers in a reply to the pamphlet 'La France, Rome, et l'Italie,' compared the Emperor, in a scarcely veiled allusion, to Pilate. In the Legislative Body the clerical deputy, M. Keller, called him the 'executor of Orsini's will.' The tone of the *Univers* became so dangerous that the paper had to be suppressed. The Legitimists sent deputations to Rome, who in high-pitched language denounced the Napoleonic dynasty. Even the Liberals

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[1] The bishop of Perpignan formulated this in the words: 'Cette souveraineté est un fait protégé par un dogme'—the dogma that the Church was to teach all nations demanded the independence of her head, whose duty was to direct that teaching.

His temporising policy.

of the old school, Thiers, Villemain, and Guizot, rose up to support the cause of the Pope, and strove to prove that the destruction of his temporal power and the unity of Italy were opposed to the interests of France. In face of all this agitation, and as far from wishing wholly to forsake the Pope as to abandon his own work in Italy, Napoleon constantly repeated his endeavours to reconcile both parties on the basis of the *status quo*. But principles which mutually impugn the very right of existence are not moved by exhortations to come to terms. The Curia adhered to its *non possumus*, Italy to her *Roma Capitale.* The Emperor could only maintain a middle position between the past, which he himself had helped to destroy, and the future, which he feared. He certainly cherished no tender feeling for the temporal power of the Pope, but he dared not allow the September Convention to be violated, for, as he said to Lord Clarendon, every village pulpit would become a tribune against him if he allowed Garibaldi to enter Rome.[1]

This temper of the country soon found expression in the Legislative Body itself, formerly so tractable, but which now refused to rest content until it had forced from the minister Rouher the memorable declaration, 'Jamais l'Italie ne s'emparera de Rome.'

Italy and Rome. Question of the *status quo.*

On this *status quo* alone, therefore, the Curia and Italy confronted each other. The former, after the fall of Gaëta, had to abandon the hope of recovering, through a counter-revolution or foreign intervention, the possession of her lost provinces, and on this fact Cavour built his hope of a reconciliation. Such a reconciliation might perhaps have been conceivable, had he regarded the existing state of possession as final and definite, as indeed Napoleon had demanded, and the pamphlet 'The Pope and the Congress,' inspired by him, had expounded in detail. According to this theory, Catholic doctrine and political expediency alike concurred in proving the necessity of the temporal power of the Pope. From a religious standpoint it was important that he—the sovereign, politically speaking, and the head of 200 millions of Catholics—should be subject to no man. How was it possible that infallible and absolute spiritual power should be united in *one* person, together with the power enjoyed by the political prince, who yet remains dependent on the changes of earthly relations? No constitution could reconcile such incompatible demands. It was necessary, therefore, that a wholly exceptional dominion should be assigned to the Pope, who found himself in such a wholly exceptional position. His power could only be a paternal, absolute power: his territory must be large enough to enable him to remain a temporal prince, but it must not be so large as to oblige him to play a part in politics. The sphere of action, which past events had created for this exceptional destiny, must be in Rome, the Eternal City. There the temporal rule of the Pope should be the image of that of the Church; the people should be denied the noble activity engendered by political life; they should have only a municipal organisation, but in return pay but few taxes. To them there remained art, the memory of a glorious past, the proud ambition to form the centre of Christendom, the occupation afforded by matters of the Church. Rome would thus, amidst the tumult of politics, form an oasis of peace. The different Catholic States were to contribute proportionally towards the expenses of worship and the Papal Government.

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[1] This was told to the author of this book by Lord Clarendon, after his visit to Paris in the spring of 1868.

It would be easy, indeed, to establish grave objections to the practicability of this plan, particularly the objection of the Romans themselves to be sacrificed for the benefit of the Church; but, on the other hand, it must be confessed, that this solution, which sacrificed a small minority to the interests of the Catholic world, offered the possibility of a mutual compromise. If Pio Nono could not reconcile it with his oath to cede the Romagna or the Legations, his successor, nevertheless, could do so, just as Pius VII. had concluded the treaty of Tolentino. If only the temporal power was maintained, and means were given to the Pope to conduct the government of the Church, not so much depended, after all, on the mere extent of his territory. But Cavour was far from wishing to negotiate on such a basis. He was convinced, and rightly so, that the Cosmopolitan States of the Church would always remain the centre of the struggle against the National State, as long as the former remained an independent territory. Moreover, Rome was in the eyes of the large majority of the nation the natural capital of Italy. As such, therefore, he laid claim to her. The Pope was to surrender all his temporal dominion to the king of Italy, but he should be allowed not only to retain the majesty of his position as Primate, but to remain at Rome, whilst throughout the whole of Italy absolute liberty should be granted to him in all matters concerning the Church. The Holy See was to be richly endowed; the churches were to keep their property; the papal ambassadors were to enjoy all their diplomatic privileges. In this manner, as Cavour thought, the interests of Catholicism would be reconciled with those of nationality. Proof would be given that Rome could be the capital of Italy, without any injury ensuing to the independence of the Church; nay, the Papacy itself would rest upon a much firmer basis, and command far more reverence and esteem, by supporting itself simply upon its spiritual authority.[1]

Cavour's 'Free Church and Free State.'

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[1] Two fellow-labourers of Cavour's have explained to us his idea of a Free Church in a Free State: 'Political power, established to pro-

It is intelligible enough that this solution should have been proposed to the Italians; for however much they hated the temporal rule of the Pope, they were anxious, nevertheless, that Rome should remain the centre of Catholic Christendom. That the Pope, an Italian, seated in the heart of Italy, should perpetuate, at least in a spiritual manner, the old Roman lordship of the world, had been a satisfaction to them even in those centuries of their political weakness, and this proud ambition they would not surrender now that they had risen to be a nation. Least of all were the Romans inclined to do so. They wished certainly to gain the glory of governing a great State, but they were loth to lose, for that object, the lucrative sources of advantage they derived from the centre of Catholicism: should that loss be theirs, their national capital itself would be but a poor compensation.

Not merely by Italians, however, but by others, and for the most part by the more enlightened Catholics, a reconciliation of that kind was desired. They appealed to the fact, that the temporal power was no dogma, that there was a time when the Roman bishops were not sovereigns, and yet enjoyed greater veneration than Leo X. in all his glory. It was the very temporal power, moreover, which had led to the secularisation of the Church, because the Pope in his quality as Italian prince would always become entangled in worldly quarrels. If

cure respect for liberty; and religious authority, exercised without hindrance over Catholic souls, should work together, each moving in its own sphere, for the progress of civilisation. Cavour believed that the Papacy would never develop its nobler energies as well as its hereditary wisdom in politics, until its roots were planted in the soil of liberty; that it would find its best support in the voluntary respect of the people, that liberty of conscience, once recognised at Rome, would be secured to mankind.' (Artom et Blanc, 'Œuvre Parlementaire du Comte Cavour,' p. 587.) See also Cavour's speech in the parliament at Turin on March 26, 1861.

Real difficulty of the question.

he were merely the spiritual head of the Church, he would be freed from all such anxieties; the present archbishops of Cologne and Mayence enjoyed far more influence than did their predecessors immediately under the Empire. This argument, it is true, has an attractive side; but for all that, it rests upon an idealistic fallacy. The Pope, no doubt, will always get entangled in temporal difficulties through his temporal rule;[1] but the anomaly really lies far deeper. The temporal rule is only the consequence of the claim of the Papacy to represent a visible succession of Christ. The Pope is not a first among equals, but sole monarch of the Church. The archbishop of Cologne can be a subject of the king of Prussia; but the Pope can never be a subject of the king of Italy, and this he would be if he were to reside at Rome, side by side, as it were, with the civil sovereign, and restricted to the mere spiritual primacy. Everyone must be either governor or governed; no third alternative exists between these two conditions.

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[1] Dr. Döllinger, who admitted the false relations in which an ecclesiastical administration stands to a modern system of statesmanship, mentioned five possible solutions of the Roman question. 1. Restoration by the Austrians, which would include their permanent occupation, and probably entail new political convulsions. 2. The transplanting the Papal See to France, as designed by the first Napoleon, which would produce the 'incalculable mischiefs' of a Gallicised Papacy. 3. A Congress of the Catholic Powers, with a partial restoration of temporal sovereignty, which he considers the most rational solution under the circumstances. 4. The temporary withdrawal of the Pope to some other Catholic country; until the administration has been secularised, when he will enter, on his return, on an entirely altered position, and find the priesthood reconciled to the people. This *possibility* is mentioned by Dr. Döllinger without comment. 5. The total loss of temporal dominion—an 'eventuality to be looked in the face,' and not without its spiritual advantages to the Head of the Church, 'if Italy or Europe, be destined to become the theatre of new revolutions.' (Lecture at Munich, April 9, 1861. See 'The Church and the Churches,' McCabe's transl. Appendix, p. 465 *sqq.*

Either the Pope must have remained sovereign at Rome, or have become the subject of his successor. Pius IX. might lose, as Pius VII. had lost before him, his temporal rule; but to suppose that a pope, who was still in possession of Rome, would ever be induced by moral pressure —and such alone Cavour wished to employ—permanently and by a solemn compact to abdicate his position, in order to devote himself entirely to his spiritual field of activity, was a notion flatly contradicted by history and the very essence of the Roman Church, and one which can only be explained, in an otherwise so practical statesman as Cavour, by the fact that he shared the views of the so-called liberal Catholicism, which regards the Church capable of realising an idealism she herself has always protested against. Consequently, Cavour's negotiations with Rome of necessity collapsed. Father Passaglia,[1] himself an advocate of separation, who brought with him from Turin an offer of the most absolute freedom of spiritual action, in return for the surrender by the Pope of his temporal dominion, failed to find a hearing for his overtures. The answer of Pius IX. was conveyed in his Allocution of March 18, 1861, in which he repudiated all alliance or compromise with the 'theories of the so-called modern civilisation.' When Cavour had passed from the scene, and his successor Baron Ricasoli renewed the proposals of the statesman in whose footsteps he trod, the only reply was an article in the *Giornale di Roma*, denouncing them as 'impudent, ridiculously senseless, and a mere servile repetition of the principles of the Revolution.'

The Turin proposals rejected by the Pope.

Baden annuls the Concordat.

This development of the Roman Question could not fail to exercise an influence on the conduct of the various governments towards the Catholic Church in their respective states. In Germany, this result was the more natural, since simultaneously with the loss of temporal power by the Pope the political reaction came also to an end with the regency in Prussia and the defeat of Austria. The conclusion of the Baden Concordat happened almost exactly at the same time as the battle of Solferino. Its promulgation excited at once a lively agitation in the country. Addresses and deputations prayed the grand-duke to refuse his assent to the Convention. The University of Freiburg, now threatened to be placed under the archbishop, protested against the demand to restrict her liberty of teaching. After the Landtag also had joined the opposition, and on March 30, 1860, had voted by a large majority an address to the grand-duke, praying him to annul the Convention, arranged without the consent of the Estates, since its introduction involved a radical change in the constitution, the grand-duke formed his resolution to the same effect, and dismissed the ministry under which the Concordat had been brought about. The Concordat itself was superseded by the law of October 9, 1860, which attempted to reconcile the legitimate independence of the Church with the preservation of the sovereign rights of the State; and the provisions of which were carried out, in the course of the following years, by a series of edicts and ordinances.

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[1] In his pamphlet 'Pro Causâ Italicâ' he had already repudiated, on religious as on other grounds, the idea that temporal sovereignty was necessary or even useful for upholding the dignity of the Pope.

Würtemberg annuls the Concordat.

In Würtemberg matters were so far different, since the Government, as mentioned earlier, had already begun to execute the Concordat of 1857. Single voices in the press and the Chamber of Deputies had called attention, indeed, to its questionable features; and the Committee on Public Law was instructed to report on the matter. But nothing further was done, and the University of Tübingen alone took any active measures in that direction, by resolving to exclude the Catholic theological faculty from its body, since its independence had been destroyed by its subordination to the bishop of Rottenburg. The general change in the political situation, and, above all, the course of events in Baden, now set on foot in Würtemberg also a general movement against the Concordat.[1] Early in 1860, the Committee on Public Law issued their report. The majority agreed with the principles of the Concordat, and recommended the Government to arrange the necessary measures for its execution; adding, however, the declaration later on, that such execution did not result as the completion of a contract, but by virtue of State legislation, which alone could assure autonomy to the Catholic Church. The minority, on the contrary, expressed their decided opinion that the Concordat was incompatible with the supremacy of the State; and that the Government should be urged, therefore, to stay its execution, and regulate matters by the ordinary course of legislation. The ministers saw that they could not venture to persist any longer in their arbitrary proceedings. Accordingly, with regard to Article XII., which declared that 'whatever royal decrees and edicts are not in conformity with the Convention shall be abrogated, and such laws as are contrary thereto shall be altered,' they explained that such alteration, so far as concerned points which required the assent of the Estates, could only have been treated as prospective; and, accordingly, they introduced a project of law for the execution of the Concordat, describing it as a public, legal contract, but denying that it was binding for ever on the State. Should other circumstances occur, which demanded consideration, both contracting parties would have to determine them, by amicable settlement, according to Article XIII. This position was already not very clear. Undoubtedly it was the duty of the Government to insist on the execution of the Concordat which they had themselves concluded; but instead of making its legal validity depend simply on the consent of the Estates—so far as such consent was constitutionally necessary—they started a theory about its capability of alteration, which was obviously open to attack for this, if for no other reason, that when a convention has been ignorantly concluded, neither of the contracting parties has the power to compel the other to an agreement about its alteration. But even this position, such as it was, was not adhered to with firmness by the Government in the debates on the preliminary draft of law. They adopted, gradually, the principles of the majority of the Committee, and declared that if every single article of the Convention had passed into the civil laws and ordinances, the binding character of the agreement itself was abolished. To this untenable deduction, however, the Chamber declined to agree; and accepted, by a large majority, the proposal of the minority of the Committee. Thereupon, the Government announced, in a royal rescript to the Estates and a note to the Curia, that the Concordat, in consequence of the non-compliance with the conditions on which it had been concluded, had broken down, and was therefore void in point of law. Thus, in Würtemberg also, the relations of the State to the Catholic Church were regulated now by the law of the land.[1]

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[1] Compare Golther, p. 195 *sqq*.

Convention in Hesse-Darmstadt annulled.

Hesse-Darmstadt had concluded no Concordat; and the convention, privately arranged between the minister Von Dalwigk and Bishop Ketteler, collapsed before the anti-clerical movement, then predominant in the south-west of Germany. On the subject of the law intended to regulate the legal *status* of the Church, no agreement was found practicable between the two Chambers; but the convention was abolished in 1866, after the bishop himself had renounced it; and it was arranged, until a definite law could be agreed upon, to proceed according to the principles already recognised by a unanimous resolution of both Chambers.

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[1] In September 1861 the Chamber of Deputies extended civil equality to all religions by altering Art. XXVII. of the Constitution as follows: 'Les droits civiques sont indépendants de la confession réligieuse.' The Chamber of Deputies in like manner was thrown open to members of all confessions, Würtemberg being the last State of the Confederation where that inequality existed.

In Nassau, President Werren, who had become notorious through his illegal favouritism of clerical interests, was forced to quit the field before the vigorous opposition of the Liberals.

Ultramontanism in Austria after 1859.

But the heaviest defeats suffered by the Curia towards the end of this period were in that very country where it thought its hold was the firmest and most secure. The Italian campaign, disastrous as it was for Austria, had not, it is true, immediately the effect of shaking the rule of the Ultramontane party at Vienna; on the contrary, Count Thun still continued to profit actively by the Concordat. He determined that, although the emperor nominated the bishops, their installation by the sovereign should be dispensed with, and induction to benefices should take place through the constituted organs of the Church. He arranged that for any alienation or assessment of Church property the sanction of the Holy See or its plenipotentiaries should be required; and he permitted Roman 'visitors' to enforce a new system of discipline upon religious houses. Even after the fall of Thun the Ultramontanes of Tyrol were allowed to carry on, in open defiance of Schmerling's Protestant Patent of 1861, their campaign for the maintenance of the unity of faith, and openly to insult the Evangelical Churches.[1] The

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[1] The prince-bishop of Trent issued a pastoral on May 12, 1863, in which he stated, 'After Luther, in order to gratify his passions, had raised the standard of revolt against the Church of Christ, the most abandoned men of all Europe soon flocked around him.'

Minister of State failed in his attempts to shake the position of the Jesuits; and Bach, as ambassador at Rome, took good care that the Concordat should not be meddled with; whilst his chief, Count Rechberg—unsuccessfully it is true, but, at any rate, to the full extent of his diplomatic power—laboured to promote the temporal interests of the Papacy.[1] In the face of this, it mattered comparatively little that Schmerling began again to vindicate the rights of the State against the bishops, and that the Reichsrath passed a resolution refusing to the Church any right of property in the fund set apart for education. But what really forced Austria, notwithstanding all the counter-struggles of the reaction, into the path of constitutional policy, was the patent fact, that the maintenance of the old régime brought nothing but fresh disasters to the empire. After Schmerling's irresolution had brought in 1865 Belcredi's ministry to the helm, and therewith secured once more the triumph of the clericals,[2] that party victory led the State to Sadowa; and with that crowning disaster the policy of the Concordat was sealed.[3]

July 3, 1866.

Anti-clerical reaction after Sadowa.

Early in 1867, Baron Beust, a Protestant, was summoned to direct the new ministry, and in May began a session of the Reichsrath, which is memorable in the history of Austria. The new fundamental laws of the State, which sanctioned the equality of all subjects before the law; the liberty of faith and conscience; the free exercise of civil and political rights, irrespective of creed; freedom of teaching and learning; the supervision of education by the State, and so forth, were plainly incompatible with the maintenance of the Concordat. Herr Mühlfeld proposed simply to abrogate it; but his proposal was rejected; and the Lower House, deeming it preferable to neutralise its provisions indirectly by counter-legislation, adopted the abstract motion of Dr. Herbst, affirming the expediency of new laws to regulate the action of the State on the three subjects of marriage, education, and religion; and a committee was appointed to prepare the necessary bills for that purpose.

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[1] In his despatch of October 15, 1863, he said: 'The Holy See can always rely on whatever assistance Austria is able, according to circumstances, to render. That Rome should refuse to surrender any of her rights is considered at Vienna as a matter of course. Let this fact suffice to account for any changes that may happen in the course of the next two years.'

[2] Thus, in the spring of 1866 the law for Tyrol was passed which, in flagrant contravention of the Federal Act, made not only the establishment of non-Catholic communities, but even the acquisition of landed property by non-Catholics, dependent on the consent of the Landtag.

[3] The saying is at any rate *ben trovato*, which is ascribed to Antonelli at the news of Prussia's victory: *Casca il mondo* (the world is tumbling to pieces).

The December Constitution.

The New Marriage Law, introduced in the autumn session of 1867, transferred all matrimonial jurisdiction to the ordinary civil tribunals, and provided that if a priest refused to perform the rites of marriage, the civil magistrate, on satisfying himself of his refusal, should himself sanction and register the marriage. The School Law left religious teaching in ecclesiastical hands, but ordained that all other branches of instruction should be made entirely independent of any religious body. All schools maintained by the State, the provincial, or municipal authorities were to be open to all citizens without distinction of creed, and any candidate was eligible as schoolmaster on passing a State examination. All funds held by the State for purposes of education, except where a reservation had been made by the testator, were to be applied for that purpose, without prejudice in favour of any particular sect; and school boards were to be appointed for each district (*Bezirke*), their organisation being left to the Landtag.

Laws on Marriage, Education, and Religion, 1867-68.

These two bills were passed, by large majorities, through the Lower House of the Reichsrath, and in the following spring (1868) were carried after a stormy three days' debate in the Herrenhaus.[1] They were followed by the third measure, recommended by the committee, the law for regulating the legal *status* of the various religions (*Interconfessionelles Gesetz*). This bill, which was also carried, set aside the stipulation as to Catholic education, and provided that in the case of children whose parents had died without expressing their wishes on the subject, the sons should be brought up in the father's, and the daughters in the mother's religion, the children being left free to choose for themselves at the age of fourteen. No one was to be compelled to contribute to the services, or to send his children to the schools, of a church to which he did not belong. No priest was to deny the right of burial to members of another confession, in case the churchyard was the only one in the parish.

Papal Allocution against the laws, June 22, 1868.

After such changes, nothing obviously was to be expected from negotiations with Rome; and Baron Beust probably only consented to their being carried on in order to prove their sterility. The only result was a violent protest from the nuncio, and an intemperate allocution from the pope, denouncing the fundamental laws as 'truly godless,' the confessional laws as 'destructive, abominable, and damnable,' and anathematising all of them 'by virtue of our apostolic authority, in particular all such clauses as are directed against the rights of the Church, as absolutely null and void for all time.' (June 22, 1868.) Herein the Curia renewed, undoubtedly, its old pretension to annul secular laws, whenever they conflicted with the interests of the Church; but in so doing it only gave an opportunity to the

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[1] For an interesting account of this debate see the May number of 'Unsere Zeit,' 1869.

Chancellor of the Empire energetically to repel this encroachment. The government had still a difficult problem to settle with the bishops, who resisted the new laws to the extent of open rebellion.[1] They absented themselves from the Herrenhaus after the vote of March 21, 1868, and petitioned the emperor to withhold his assent to the new laws, a step which gave the latter an opportunity of proving his fidelity to constitutional doctrines, by referring them to his ministers. But the mass of the people acquiesced in the new legislation,[2] and the laws themselves remained in force. Austria added one more to the list of European states who, on the eve of an Œcumenical Council, renounced the temporal sovereignty of Rome.

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[1] Schwarzenberg, for example, in a pastoral to the Bohemian bishops, directed his clergy to refuse confession and absolution to any couple joined by a civil marriage.

[2] That the resentment of the bishops was not shared by the people at large appears from Beust's note of June 17 to Baron de Meysenburg at Rome: 'Les esprits, violemment excités à l'époque de la discussion des lois religieuses dans les Chambres, se sont subitement calmés depuis. Les populations les plus profondément dévouées à la religion Catholique, celles qu'on réprésentait comme prêtes à s'agiter, ont accueilli les nouvelles mesures législatives sans murmures.' (Rohrbacher, *ad ann.*)

CHAPTER XXIII.

THE SYLLABUS AND THE VATICAN COUNCIL.

Papal War against Civil Power—Pius IX.'s Alliance with the Jesuits—Their Exaltation of the Papacy—Programme of the Syllabus—First Proposals of a General Council—Allocution of 1867 to the Bishops at Rome—The Council convened—Counter-movement in Germany and France—Address of Coblentz Catholics—Bavaria consults the Universities—Declaration of German Bishops at Fulda—Dupanloup's Warning Pastoral—Circular of Prince Hohenlohe—Passive Attitude of the Governments—Count Bismarck's Instructions to Count Arnim—Opening of the Council—Papal Restrictions on Freedom of Debate—Composition of the Council—Disproportion of Numbers and Intelligence—Divisions in the Minority—Count Daru's Attempt at Intervention—Consistent Neutrality of Count Bismarck—Arbitrary Conduct of the Majority—Timid Opposition of the Minority—Close of the General Debate—The Constitution voted—Withdrawal of the Minority—The Dogma of Infallibility proclaimed.

Development of the hierarchical system.

THE constant endeavour to rule the consciences and through these the temporal affairs of mankind has characterised and determined the whole development of the Roman Catholic hierarchy. The necessary postulates for this were the divine origin of its constitution and the secular independence of its head. The Reformation, which denied the first, stripped the Roman Church of a large province of authority, but over the territory which she still retained her sway was all the more secure, and the temporal rule of the pope remained untouched. The philosophy of the eighteenth century weakened the Church internally, but from the ordeal of the revolution she came forth with fresh strength and vigour, and understood how to utilise every stage of that grand progress, which began with 1789, to re-establish and extend her shattered power. If, after the lapse of fifty years, she looked back upon what she had gained, she had every reason to contemplate her progress with satisfaction.

Papal warfare against civil power.

In a clear sky, however, broke out the storm, which in its rapid course threatened the very centre of Church authority more seriously than had been the case since the times of Aistulph. The Italian kingdom was not merely a transitory danger, but the embodiment of those modern ideas, which are arrayed in irreconcilable hostility to the principles on which the hierarchy reposes. Rome had incessantly combated this foe wherever it had appeared; now she found herself attacked by it in her own home, and vainly did the Vatican look out for a Pepin, who should put a stop to the first profligate attempts of the heir of the policy of the Longobards. Precisely because the Curia felt, with the instinct of self-preservation, that a vital blow was struck when its temporal rule was assailed, it prepared itself for a life-and-death struggle with all the resources and appliances still remaining in its power. For this purpose the so-called liberal Catholicism was manifestly useless. However readily it renounced its favourite principles with regard to the Roman question, and branded as a crime on the other side of the Alps what on this side it defended, the leadership in the contest could devolve on that institution alone which, by its organisation, ever ready for the fray, had already once saved the power of Rome. The Society of Jesus was the sole and fitting instrument to fight the battle of the Papacy. Its influence already up to this time had been predominant, it now obtained the dictatorship. The pope was to the Order what Louis XIII. was to Richelieu. He continued to exercise in the Vatican the monarchical representation of the Church as Antonelli exercised it in

The Pope's alliance with the Jesuits.

the field of diplomacy. Henceforth the government of the Catholic world was centred in the Jesuits.[1]

Their plan of campaign.

The plan of campaign chosen by the Order embraced the temporal as well as the ecclesiastical territory. With regard to the first, they calculated carefully the possibility of mutual conflicts amongst the various Powers themselves, and cautiously nurtured all germs of dissension and discontent, since the situation appeared such, that the Curia had as little to lose by a general war as by a revolution. The former might overthrow the still loose and unstable structure of the Italian kingdom, and, on the other hand, the inevitable revulsion, which follows every revolution, offered a broad basis for their hopes. The result has certainly proved how egregiously they miscalculated on important points. The venerable fathers, with all their cunning and astuteness, have often been biassed by narrow Italian views; repeatedly, in spite of all their spies, have they been falsely informed, while for those moral agencies which decide great issues, but of which they themselves know nothing, every standard or means of guidance is wanting. There can be no doubt, however, as to the fact of clerical influence upon the Polish rebellion of 1862, the Mexican tragedy, the wars of 1866 and 1870; and when the Nuncio Meglia openly expressed at Munich his hopes of a revolution, the avowal indeed was very imprudent, but can only seem strange to the simple-minded, who are not aware that Rome had favoured every revolution which promised advantage to her interests.

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[1] It was not so much the general himself, who conducted the campaign (Berkx has, on the contrary, disapproved of many measures, as, for instance, the plan of an official review, the 'Civiltà Cattolica') as individual conspicuous members of the Order, who exercised especial influence over Pius IX., and with his assistance overthrew all opposition. Amongst these may be named Tarquini, Curci, Piccerillo, and Liberatore.

Their exaltation of the Papacy.

On ecclesiastical territory the plan of operations aimed at exalting the spiritual power of the Papacy to its highest pinnacle, and thereby restoring at once, in its original extent, its necessary foundation, the temporal rule. The latter could not be erected, indeed, into a dogma, since the logic of facts presented to such a course the immediate prospect of far too bitter a discomfiture. The proper aim should rather be, on the one side, to withdraw from the collective civilisation of the age, which had abandoned the Papacy, its fundamental groundwork, and on the other side, to follow out the Ultramontane doctrine to its utmost consequences, to exalt the absolute monarchy of the Church into a universal and compulsory form of faith, and to bring Catholicism, thus united, in a compact line of battle, into the field against modern ideas. The instruments to execute this scheme were at hand. Pius IX. himself offered a support all the more effectual, since with scanty training in theology, he still clung with genuine fervour to his Ultramontane convictions, and thus 'purified the machinations of the Jesuits in the fire of his piety.'[1] The machinery of the Order and the Society was organised with consummate skill, and zealously elaborated, no effective opposition was to be expected from the bishops, and where any sign of hostility was manifested, it was relentlessly beaten down.[2]

The first decisive attack resulted in the Encyclical of

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[1] Pressensé, 'Le Concile du Vatican': Paris, 1872. P. 149.

[2] See the letter of Pius IX. of October 6, 1865, to M. Darboy, archbishop of Paris, who defended himself with energy against the immediate power claimed by the Roman See over the episcopal dioceses, and was therefore summarily called to account. The prelate was sharply censured in particular for having been present at the funeral of Marshal Magnan, who had been notoriously a Freemason ('Officielle Aktenstücke zum Concil,' i. p. 95). Freemasonry is to Pius IX. the sum and substance of ungodliness. See his allocution of October 25, 1865, 'Multiplices inter Machinationes' in Rohrbacher *ad ann.*

The Syllabus, Dec. 8, 1864.

8th December, 1864, and the Syllabus[1] appended to it, in which all the errors condemned by the Papal See were collectively enunciated. In a motley crowd this catalogue comprehends not only those doctrines which contradict beyond all dispute the Christian revelation and civil order, but those also which form the very pith and marrow of our modern civilisation. In Article IV. are condemned not only Socialism, Communism, and Secret Societies, but even Bible Societies, and all associations of clerical liberals. Article VII. places perjury and rebellion on a par with the principles of non-intervention. But the main attack is directed against those doctrines which impugn the independent dominion of the Church as against the State, society, and learning. As such heresies are specified, for example—

Prop. xxiii. To maintain that Roman pontiffs and Œcumenical councils have transgressed the limits of their power, usurped the rights of princes, or erred in the establishment of the rules of faith and morals.[2]

Prop. xxiv. Or that the Church may not employ force, nor exercise, directly or indirectly, any temporal power.

Prop. xxvii. Or that the ministers of the Church and the Roman pontiff ought to be excluded from all care and dominion of things temporal.

Prop. xxx. Or that the civil immunity (*immunitas*) of the Church and its ministers depends upon civil right.

Prop. xxxiv. The doctrine of those who compare the Roman pontiff to a prince free and supreme over the whole Church, is a doctrine of the middle ages.

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[1] Compiled by the Barnabite monk, afterwards Cardinal Bilio.

[2] Gregory VII., however, had declared at the seventh Roman Council, 'Agite nunc, quæso, Patres ac Principes sanctissimi, ut omnis mundus intelligat et cognoscat quia, si potestis in cælo ligare et solvere, potestis in terrâ Imperia, Regna, Principatus, Ducatus, Marchios, Comitatus et omnium hominum possessione tollere unicuique et concedere.' Was this solemn declaration ever revoked?

Prop. xlii. To maintain that in the conflict of laws, civil and ecclesiastical, the civil law should prevail.

Prop. lv. Or that the Church is separable from the State, and the State from the Church.

Prop. lxxiii. Or that marriage has a binding force if the Sacrament be excluded (*si sacramentum excludatur*).

Prop. lxxvii. Or that any other religion than the Roman religion may be established by a State.

Prop. lxxx. Or that the Roman pontiff can and ought to come to terms with progress, liberalism, and modern civilisation (*cum recenti civilitate*).

It is quite true that these propositions introduced nothing materially new, each of them, indeed, being furnished with quotations from earlier papal decrees. Nevertheless, the codification of all the doctrines laid collectively under the anathema of the Holy See was in itself an act of extreme significance. It was at once the most decisive blow against liberal Catholicism. While Gregory XVI. had been content to designate some of the modern ideas of liberty as madness (*deliramentum*), in the Syllabus all were equally condemned. Montalembert, in August, 1863, at the Catholic Congress at Malines, had pleaded with all the fire of his eloquence on behalf of freedom of conscience.[1] The Encyclical was the summary answer of Rome to this demand. The attempts of the Bishop of Orleans and his friends, who exhausted every effort to explain away the worst points of that Encyclical by means of subtle interpretations, proved an utter failure. Not all the hair-splitting artifices of interpreters, who sought to persuade themselves and others that the Church of Rome recognises a freedom besides her own, which is not only harmless but advantageous, can avail anything against the blunt and brutal plainness with which the Curia invariably rejects the principle of freedom, whether of conscience, of worship, or of the press. With all his niceties of distinction, which are intended to prove that not freedom itself, but its abuses, were attacked by the Syllabus, Bishop Dupanloup will never satisfy either true Catholics or true liberals, for to attempt to reconcile the Catholic Church with freedom is to attempt to square the circle. 'Veuillot, therefore, has expressed quite accurately the Catholic doctrine as follows: "Il n'y a, il ne peut y avoir de Catholicisme libéral. Les Catholiques libéraux, qui sont vraiment Catholiques, ne sont pas libéraux, et ceux, qui sont vraiment libéraux, ne sont pas Catholiques." Early in 1874, Pius IX. stated in a brief to the Catholic committee at Orleans, that less perhaps was to be feared from open impiety than from a friendly knot of adherents of equivocal doctrines, who, though rejecting the extreme consequences of their error, still preserve and nurture with obstinacy its first germ; who will neither comprehend nor yet reject the whole truth; and hence are endeavouring, as best they may, to bring the doctrines of the Church into harmony with their own opinions. And in September 1875, he sent a brief to the Catholic Congress at Florence, in which he warned the members against the intrusion of false brethren. "Repoussez loin de vous less embûches très funestes du Catholicisme libéral, qui rendraient inutiles vos zélés travaux."'— 'Journal des Débats.'

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[1] 'Ne nous laissons jamais entraîner à dire sous l'empire d'une protection illusoire, " L'Église seule doit être libre." N'imitons jamais ceux, qui en France sous Louis Philippe et sous la République demandaient la liberté comme en Belgique, et dès qu'ils se sont crus les plus forts, ou ce qui revient au mème, les amis du plus fort, n'ont pas hésité à dire, " La liberté n'est bonne que pour nous; car la liberté doit être restrainte à mesure que la vérité se fait connaître. Or nous seuls, nous avons la vérité, et par conséquent, nous seuls devons avoir la liberté." Répétons plutôt les belles paroles de Lacordaire, " Catholiques, si vous ne demandez la liberté que pour vous, on ne vous l'accordera jamais. Donnez la où vous êtes les maîtres, afin qu'on vous la donne là où vous êtes des esclaves." '

Both Encyclical and Syllabus, moreover, were an open invasion of the domain of civil right, since almost all constitutions guaranteed the principles therein condemned. And this attempt at aggression proved so far satisfactory to its authors, that, although the liberal press made light of it, the governments did actually nothing.[1]

Preparations for the dogma of Infallibility.

The latter, as well as the liberal Catholics, might insist, as they pleased, that the Encyclical was a mere expression of papal opinion, but no dogma. But, meanwhile, due provision had been made to deprive them of even this loophole of evasion, for the first step had been taken on the road which was to lead to Infallibility. At first, it appears that, in this matter, the Jesuits had to overcome some reluctance on the part of the pope, for Pius IX. was convinced that he already possessed infallibility—his Encyclical of the 9th November, 1846, had announced it—and in the next place, he feared the disquiet and eventual struggles which a general council would occasion. To relieve him of this apprehension, it was sought, first of all, to bind the bishops beforehand. They were directed to hold provincial synods—assemblies which in other respects Rome was known to discountenance—and to devise decrees for the recognition of the new dogma. These decrees were to be remitted to the congregation of revision, which corrected them so as to make the doctrine of Infallibility appear to be accepted, in a form more or less veiled, by all Catholics alike. For the same purpose the breviary was interpolated with incidental assertions of infallibility. On December 6, 1864, Pius IX. proposed the council in a session of the Con-

The Council proposed.

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[1] The prohibition of the French Government to the bishops officially to proclaim the Syllabus was practically useless after the latter had once been made generally known.

gregation of Rites, when 19 out of 21 votes were collected in favour of the project, and in the following March a commission was appointed to prepare the materials.[1] The affair came to light when in 1867 the pope, in an allocution of June 26, addressed to the five hundred bishops assembled in Rome for the eighteenth centenary of the martyrdom of Peter and Paul, announced his intention to convoke, as soon as circumstances permitted, a holy Œcumenical General Council, in order, by consulting together in common and by united efforts, to apply the necessary remedies against the evils by which the Church was oppressed. In this manner they would succeed in dispersing the darkness of error which had settled on the minds of men, in making the Church an invincible host, and in annihilating her enemies.[2]

Allocution of June 26, 1867.

The manner of this announcement indicated still a certain measure of reserve;[1] but this quickly disappeared before the enthusiastic reception accorded to the message by the assembled bishops.[2] 'Believing as we do,' they declared in their address of July 1, 'that Peter has spoken through the mouth of Pius; therefore, whatsoever you have spoken, confirmed, and pronounced for the safe custody of the deposit, we likewise speak, confirm, and pronounce; and with one voice and one mind we reject everything which, as being opposed to Divine Faith, the salvation of souls, and the good of human society, you have judged fit to reprove and reject.' It filled them with the greatest joy to hear it was the intention of the Holy Father to adopt the extremest means at the extreme crisis of Christendom, and to convoke an Œcumenical Council; this resolution, suggested by God himself, would become a source of blessing to the Church.[3] The pope thanked them for all this, declared the Council now a necessity, and placed it under the protection of the Mother of God, 'beneath whose foot, from the beginning of things, the head of the serpent was subject, and who alone, since then, has crushed and destroyed all heresies.' On the festival of her Immaculate Conception (December 8, 1869) the Council was convoked, according to letters apostolic of June 29, 1868.[4]

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[1] Cardinal Antonelli was decidedly opposed from the first to the whole campaign of infallibility. The Pope might indulge in theological novelties like the Immaculate Conception, which he considered innocent, but he was far too acute a politician not to see that no good could come of the dogmatic assertion of a principle which was sure to provoke the opposition of the modern State, whilst in fact the Curia reigned already supreme. However, not having the weakness of principles, he yielded as soon as the matter was decided.

[2] This announcement gives the pith of the prolix explanations, which contain, however, besides the usual complaints and imprecations, many significant expressions. It was impressed upon the bishops that there was no more effective protection against the harassments of the Church than close adherence and obedience to the centre of Catholic unity, the Holy See (*obsequium erga nos et Apostolicam Cathedram*). The pope declared his assurance that the bishops, as often as they appeared before the person of Peter, who lived in his successors, even should they only touch the ground which the apostolic primate had moistened with his sweat and glorious blood, would be strengthened by its virtue. He had never doubted that the grave where the ashes of St. Peter had rested breathed forth a secret strength and healing efficacy, which would stir up the shepherds of the Lord's flock to increased devotion and courage.

Episcopal address to the Pope, July 1, 1867.

The Council convened.

This manifesto, in spite of its immeasurable bombast, did not specify, any more decidedly than the earlier allocutions, what the subject of the consultation was to be; but in the most general language, submitted to deliberation what the greater honour of God, the unimpaired purity of the Faith, the suitable celebration of Divine service, the eternal salvation of men, and so forth, might demand. An article in the *Civiltà Cattolica* of February 6, 1869, first lifted the veil, by designating, as the main subjects for the Council, the confirmation of the Syllabus, and the proclamation of the dogmas of the Assumption of Mary, and the Infallibility of the Pope; expressing, at the same time, the hope that the infallibility would not be discussed, but defined unanimously by acclamation. The *Stimmen aus Maria Laach*, the *Univers*, the *Monde*, and numerous pamphlets by Manning, Dechamps, Plantier, Fessler and others, zealously seconded the leading organ of the Jesuits.

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[1] 'Ac illud etiam, ubi primum optata Nobis opportunitas aderit, efficere aliquando posse confidimus.'

[2] It is said, that, at the instigation of the Jesuits, a member of the assembly, when the Council was mentioned, called out as if by inspiration, 'Blessed is the body which has borne thee,' and that the words made a deep impression on the pope.

[3] The attempt made to get the papal infallibility acknowledged in the address proved a failure even then.

[4] The Greek and Protestant Churches were also invited, as sheep who had gone astray, to return at this fitting opportunity into the bosom of the Church. (Papal letters of September 6 and 13, 1868, in

Counter-movement in Germany and France.

Against this agitation and the programme of the *Civiltà*, there arose meanwhile a powerful counter-movement in Germany and France. The articles in the Augsburg *Allgemeine Zeitung* on 'the Council and the *Civiltà*' (10 March, *sqq.*),[1] written under Döllinger's guidance, combated the arrogance of papalism with a crushing array of historical criticism. Maret, the dean of the faculty of divinity at Paris, defended the Gallican principles in his book *Le Concile général et la paix*

'Times,' August 25, 1869.) But the pope, in a letter to the archbishop of Westminster (September 4), remarked that 'no place can be given in the approaching Council for any defence of errors which have been condemned.' The Vatican certainly was not sanguine enough to expect any success from this invitation; its only object was to uphold its claim of jurisdiction over all baptised people.

[1] These letters were subsequently expanded into a book, 'The Pope and the Council, by Janus,' 1869. This learned exposition tears away all historical foundation not only from infallibility, but from the Divine right of the papal primacy.

religieuse. Soon after followed the Abbé Gratry of the Oratory, with his letters to Mgr. Dechamps, which, guided by the hand of German science, exposed all the falsifications and forgeries of the papalists since the false decretals. Montalembert, in reply to a charge of inconsistency between his ultramontanism of 1847 and his Gallicanism of 1870, explained his principles in a letter of February 28. The Gallicanism, he declared, of which he was the resolute adversary twenty-five years ago, was solely 'the vexatious interference of the temporal power in spiritual interests.' But never had he thought, said, or written a word in favour of the doctrines and pretensions of the Ultramontanes of the present day, which aimed at a theocracy, or dictatorship of the Church; on the contrary, he had done his best to reprobate that dictatorship in his works. The revival of Gallicanism was due to the lavish encouragement given, under the pontificate of Pius IX., to exaggerated doctrines outraging the good sense as well as the honour of the human race. 'I have but one regret,' he concluded, 'that of being prevented by illness from descending into the arena with those who, like the bishop of Orleans, have had the courage to stem the torrent of adulation, imposture, and servility. Thus should I deserve my share (and it is the only ambition remaining to me) in those *litanies of abuse* daily launched against my illustrious friends by a far too numerous portion of that poor clergy which is preparing for itself so sad a destiny, and which I formerly loved, defended, and honoured far more than any other has yet done in modern France.'[1] In a similar strain, an address of Catholics of

Montalembert's protest against Ultramontanism.

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[1] In his later letter of November 7, 1869, to Döllinger, he said, 'Vous admirez sans doute beaucoup l'évêque d'Orléans, mais vous l'admireriez bien plus encore, si vous pouviez vous figurer l'abîme d'idolâtrie où est tombé le clergé Français. Cela dépasse tout ce qu'on aurait jamais pu l'imaginer aux jours de ma jeunesse, au temps de

Address of Coblentz Catholics, June, 1870.

Coblentz, in June of the same year, to the bishop of Trèves, protested most energetically against the proposed new dogmas, and demanded that the Church should renounce all active participation in politics, the State meanwhile resigning all claim to influence the Church; that the academical training of the clergy should be conducted without impediment or restraint; that the laity should have a share in the Christian social life of the parochial community; and that the *Index librorum prohibitorum* should be abolished as an unworthy and even ineffective weapon. These sentiments were reechoed by the Catholic congress at Pesth in the autumn of the same year.

The Bavarian Government consults the Universities.

All these declarations placed the ecclesiastical authorities, so far as they were not themselves inclined to infallibility, in a position of great perplexity. They feared serious confusion from the realisation of the Ultramontane demands, and yet did not venture to come forward against them, as they were openly favoured at Rome. To the questions propounded by the Bavarian prime minister, Prince Hohenlohe, as to what changes would be caused in the relation of Church and State in Germany, if the propositions contained in the Syllabus and the infallibility of the pope should be declared articles of faith, the theological faculty of the University of Munich answered in a form carefully guarded by reservations, that in such a case, 'it was very possible' that some 'not unimportant changes' might be introduced, which might prove difficult of solution; but that it would rest with the wisdom of the Council, if the negations of the Syllabus were transposed into positive propositions, to take such measures as would prevent the growth of unnecessary conflicts between its

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Frayssinous et de Lamennais. De tous les mystères que présente en si grand nombre l'histoire de l'Église, je n'en connais pas qui égale ou dépasse cette transformation si prompte et si complète de la France Catholique en *une basse-cour de l'anti-chambre du Vatican*.'

decrees and the conscience of Catholics on the one hand, and the rightful constitutions and laws of civil society on the other. Infallibility, in the first place, concerned chiefly the internal and purely spiritual matters of the Church; it had only an indirect bearing on secular affairs, in so far as the doctrine implied a divinely ordained sovereignty of the Papacy over monarchs and governments. How far, however, this assumption of spiritual authority over the civil power would bring about a change in the relations of the Papal See to the several states, depended mainly on personal considerations, and could not therefore be more closely discussed. The Ultramontane minority of the faculty endeavoured to dissipate the fears of Prince Hohenlohe in a separate declaration, by declaring that the Syllabus contained nothing new, and did not even state which of the views contained in the compass of the prohibitory negations was to be esteemed the true one. A legitimate independence of the State would in no way be rejected—but merely the subjection of the Church to the State. With regard also to the condemnation of many doctrines, as, for example, that of the separation of Church and State, and of the equality of civil rights enjoyed by different confessions, the Syllabus merely stated that such doctrines were not to be striven after as a formal ideal, but it did not deny that their practical realisation might be winked at, under certain given relations. The infallibility of the pope would in no way involve his dominion over secular affairs. In like manner, the Ultramontane majority of the faculty of Würzburg denied that any danger accrued to the State from the possible dogmatising of questionable doctrines.[1]

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[1] The judicial faculty at Munich declared, on the contrary, that the former relations of Church and State were fundamentally changed, and that well-nigh all the legal relations of the Catholic Church in Bavaria would be called in question.

Declaration of German bishops at Fulda, Sept. 9, 869.

The German bishops felt that, at such a critical juncture, they dared not be altogether silent, and accordingly they assembled, nineteen in number, on the 6th of September, at Fulda, in order to deliberate on the publication of a pastoral letter. Although the large majority consisted of anti-infallibilists, no decided position could yet be taken up against the programme of the Jesuits, since the minority, who were inclined to infallibility, opposed such a policy, and to disregard their wishes would destroy the unanimity so desirable in the declaration of the episcopate. Accordingly, the expedient was adopted of the mildest possible generalities, to pacify the German Catholics, by the assurance that the reports and surmises of danger were totally unfounded. It was impossible to suppose that the freedom of deliberation at the Council could be prejudiced. The bishops alone in their collective capacity, as witnesses of the tradition of their dioceses, would decide. They were certain that the pope would neither restrain the freedom nor curtail the period of debate, nor allow a minority to be tyrannised over by the majority. Nothing would be determined, until all that science and learning could afford had been produced.[1] No dogma could be proclaimed which was not founded on Scripture or apostolic tradition, or which conflicted with the principles of justice, with the rights of the State, with civilisation, with rightful liberty, the welfare of the people, or the true interests of science. The Council would set up no new and no other principles than those which faith and conscience had inscribed in the hearts of all Catholic Christians.

Episcopal protests against the proposed dogma.

Studiously ambiguous, nay, even untrue, as these assurances were, besides flatly contradicting the real apprehensions of the majority, this pastoral was received with high displeasure at Rome. It was regarded as an indirect warning of opposition; and this resentment was increased by the subsequent receipt of a direct warning, in a private letter of a number of the bishops to the pope, urgently entreating him to desist from the definition of the questionable doctrine. Similar dissuasive appeals arrived from Austro-Hungarian prelates. Even Dupanloup, who had assured the clergy of his diocese that the Council was about to accomplish a grand work of 'peace in truth, and peace in charity' for the Church, finally raised his voice in public against the opportuneness of the new dogma. 'My deep conviction is,' he said, 'that if it had been resolved upon to make the Papal power hated, nothing more effectual could be done than to reopen these vexed questions. When once the new dogma has been proclaimed, no priest, no bishop, no Catholic of any kind, will be able to reject the doctrine, so hateful to all governments, that all civil and political rights, as well as all the precepts of faith, depend for their validity upon the will of a single human being.'

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[1] The 'Katholik' declared that the closing of a discussion, and the withdrawal by the president of the right of speech, were unknown to the practice of councils.

Their warnings unheeded.

All these warnings, however, served only to provoke Pius IX., and to strengthen the influence of the Jesuits, who represented to him that this very disputing of his authority made it all the more necessary to exalt it above all doubt and question. He had long ago, in person, openly espoused the cause of the infallibilists, whose pamphlets, pastorals, and addresses he eulogised in briefs. In the most important of the commissions, which had been appointed in the winter of 1868–69 to prepare the materials for the Council; they formed an overpowering majority; a few opponents, such as Haneberg and Hefele, whom it was thought impossible to ignore altogether, being entrusted with insignificant business. Cardinal Reisach,[1] the devoted servant of the pope, was appointed president of the Council, Fessler, Bishop of St. Pölten, a zealous champion of infallibility, was made secretary. Silence was imposed by oath upon all who were employed in the work of preparation. Those hostilely disposed were systematically kept at a distance; the pope henceforth refused all audience to Cardinal Guidi, who had expressed himself frankly about the Council.

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[1] He died shortly before the opening of the Council.

The Curia was much encouraged in these proceedings by the passive attitude of the different governments, whom it resolved to exclude from the Council, on the ground that they no longer fulfilled, since their secularisation, the condition of Catholicity, under which representatives of the civil power were formerly admitted. On the 9th of April, 1869, Prince Hohenlohe sent out a diplomatic circular on the subject of the Council. After pointing out the great and dangerous importance which that assembly, from its avowed programme of deliberation, would possess for all governments having Catholic subjects, he proposed that a conference should be held in order not to leave the Court of Rome in further uncertainty as to the position they intended to occupy. The answers to this proposal were decidedly negative. Count Beust replied that, inasmuch as nothing had yet been settled about the programme of the Council, it would not be advisable to oppose the fact of a diplomatic conference to the mere hypothesis of possible encroachments on the supremacy of the State; since, apart from the difficulty of arriving at any definite understanding on such insecure ground, perhaps the appearance might be created of an intention to control and curtail the liberty of the Catholic Church, and the tension of mind be needlessly increased. The despatch of Prince Latour d'Auvergne acknowledged that the governments, although considering all purely internal affairs of the Church as withdrawn from the range of temporal competence, nevertheless would be entitled to make their voice heard

Circular of Prince Hohenlohe, April 9, 1869.

Answer of Austria.

Of France.

if the deliberations affected privileges which it was their solemn duty to maintain. For the present, however, he did not regard the necessity for the exercise of this right as clearly demonstrated. To interfere in the manner proposed would only involve the imperial government in painful discussions, without promising any certainty of its views being carried into effect. The existing laws afforded all necessary securities against any possible decrees of the Council which might conflict with the public law of France. At the same time, it should in no way be said that the government regarded with indifference the progress of deliberations, the importance of which, in the present situation, was unquestionable. The ministers would exert their influence in the spirit of reconciliation, while reserving full freedom of action for future contingencies. Italy replied simply that she would reject anything which might be contrary to her laws. The Menabrea Cabinet was disposed at first to assure the rights of the State by insisting on the participation of its representatives, as sanctioned by all historical precedents,[1] but afterwards, under the influence of Minghetti, they decided otherwise, and explained in a circular (October 1869), that the right of the bishops to attend the Council was based on the general liberty of conscience, not on an act of political favour, such as might entail upon them responsibility to the government for their proceedings. England held entirely aloof: public opinion in that country regarded infallibility as a question rather of curiosity than of practical interest to the State. Russia alone forbade her Catholic bishops to attend the Council. Count Bismarck, in a despatch of the 26th of May, 1869, peremptorily rejected the proposal of Baron Arnim, the

Of Italy.

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[1] This position was explained in a pamphlet, of which only a few copies were printed, 'Le Concile Œcuménique et les droits de l'État.' Firenze, Regia Tipografia, 1869.

Neutral attitude of Prussia.

Prussian Minister at Rome (May 14), 'to demand the admission of German representatives to the Council, in order to obtain through them timely information as to the progress of the deliberations; to record, if necessary, a protest; to gain influence; to rally the wavering; and to obviate political machinations, such as might be attempted under the cloak of ecclesiastical discussions.' 'For Prussia,' he said, 'there is but one principle of action, constitutionally as well as politically —that of absolute freedom in Church matters, including resolute resistance against every encroachment on the province of the State. The government cannot consent to lend a hand to the irregular fusion of the two powers, such as would result from the despatch of envoys to the Council.' At the same time he declared his readiness to negotiate confidentially with the South-German governments, 'in order to bring to bear, if possible, a joint influence upon the Curia, which should give the latter clearly to understand that any aggressive designs would encounter the determined opposition of the German governments.

Difficulties of concerted State action.

This conduct of the various Cabinets has been repeatedly censured as deplorable weakness and shortsightedness; and it has been maintained that a common, energetic assertion of State rights would have given a different turn to the whole subsequent course of events. That opinion I cannot share. Clear as were the intentions of the Curia, equally certain is it that the programme of the Council, as then formulated, offered little, if any, pretext for negotiation or protest; nor was it possible for any government to make articles in the *Civiltà* or pamphlets the subjects of diplomatic action. In addition to this, there was the difference in the relations of Church and State in the individual countries. How could it be hoped to obtain corresponding instructions

Bismarck's instructions to Arnim.

from Spain, where the Catholic religion alone was recognised, and from England, where it was officially ignored; from France, who protected, but also regulated it, and from Prussia, where it enjoyed the utmost liberty of action? Count Bismarck was surely perfectly right, when in his instructions to Baron Arnim he drew attention to the fact that 'the participation at all of the civil power in a Church council rests upon a footing as entirely foreign as it is obsolete at the present day—upon a relation of the State to the Church, which belongs altogether to the past, and only had a meaning when the State stood confronted with the Catholic Church, as *the* Church, sole and all-embracing.' 'Even at the beginning of the Council of Trent,' he remarks farther, 'this ancient relation was still existing, when the Protestant governments were not considered as irrecoverably severed from the Church. The latter occupied even then a fixed, and to a certain extent a legally established position—one, that is to say, recognised by the Church in her laws—towards the State. The Canon Law, with the entire arsenal of its definitions on the boundaries of the civil and ecclesiastical spheres, had still at that time a significance and practical meaning for the State. On that account, the governments, on their part, could interfere, under settled legal forms, as they did, in fact, through their envoys, in the deliberation and regulation of ecclesiastical affairs at the Councils. In like manner, the question was afterwards forced upon them, whether by accepting the conciliar decrees, they would be recognising the changes effected by the Council in matters of Church and State, as a part of their public law. That relation is now entirely changed.'

Objections to sending envoys.

The situation cannot be more conclusively stated; and equally pertinent are the remarks, in which the Chancellor shows how the governments, by demanding the admittance of their representatives to the Council, would fall into an utterly false position. The ambassadors, even if, as was most improbable, the Court of Rome should admit them, would be regarded by the assembly with distrust, as intruders. Their individual votes would have no importance; as plenipotentiaries of governments, they would eventually be forced to register a veto, which however would never be granted to them; while a mere protest would be beneath the dignity of the State, especially as, in that event, the assembly would probably pass it over in silence.[1]

The Council opened Dec. 8, 1869.

The Council was opened with great pomp and solemnity on December 8, 1869.[2] No unprejudiced observer can fail to see that its sole object, from the very first, was the proclamation of infallibility. This gained, the dogmatic definition of the Syllabus and the Assumption of the Virgin might easily be renounced for the moment, since the pope could at any future time revert to them. The sole question therefore was, what means the opponents of the Vatican would resort to in order to prevent the execution of its scheme. Already the external arrangements for the Council plainly showed that Rome was determined not to tolerate any open measures from the opposition. Whilst at Trent the sole right of the envoys to introduce propositions had been violently contested, the pope now assumed to himself the sole initiative, in the programme sketched out for the proceedings, as resulting in principle from the primacy. At Trent the order of business had been discussed and approved by the whole assembly, just like any other decree: at the Vatican Council it was arranged beforehand by the pope in his bull *Multiplices.* The bishops were invited to bring forward their own proposals, but they were directed to submit them previously to a commission nominated by the pope, and containing twelve cardinals; and even if they passed the censorship of that commission, Pius reserved to himself the right of deciding as to their discussion at the council. The presidents of the congregations, which were the real centres of the proceedings, were likewise papal nominees. At the election of members, conducted by the Jesuits and the Propaganda, just as in all the most important commissions, the infallibilists maintained an overwhelming majority; and all attempts at remonstrance were fruitless. The decrees were read out just as they came from the commissions, with the preamble 'Pius, bishop, servant of the servants of God, with the approbation of the Holy Council,' and were proclaimed immediately after the vote. 'We decide with the consent of the Holy Council, as read aloud.' They reverted therefore to the form, introduced by Alexander III. at the Roman Council of 1179, and which Innocent III. used at the Fourth Lateran Council of 1215; whereas the Council of

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[1] These instructions throughout must be described as a masterly exposition of the principles which govern the relations of the modern State to the Church. It is all the more to be regretted, on that account, that this standpoint has not been adhered to in later legislation.

[2] Compare Pressensé, 'Le Concile du Vatican,' 1872; Friedrich, 'Tagebuch während des Vaticanischen Concils,' 1871; 'Römische Briefe vom Concil,' by Quirinus in the Augsburg 'Allgemeine Zeitung.' These letters, the work of different authors, notwithstanding all Ultramontane strictures, give on all essential points a thoroughly faithful picture of the proceedings. See also Frommann, 'Geschichte und Kritik des Vaticanischen Concils,' 1872, a work as impartial as it is valuable for its erudition. Among the numerous pamphlets two are important, as having been inspired by the Archbishop of Paris, viz.:—'Ce qui se passe au Concile,' and 'La dernière heure du Concile.' No one, however, who desires to form an accurate idea of the proceedings should omit reading the 'Epistolæ virorum obscurorum de SS. Concilio Vaticano, et de sacrilegâ usurpatione gubernii Subalpini, scriptæ ex Gesu in Germaniam,' Leipzig, 1872. Written by an eyewitness, in a curious mixture of Latin and Italian, they are at once a piquant satire, and, as a high Roman dignitary observed, 'la sola vera storia del Concilio.'

The pope assumes the sole initiative.

Restrictions on freedom of debate.

Trent had framed its decrees independently, and the latter had been subsequently ratified by the pope. The meetings of the Council were held in a place the acoustics of which appeared to be calculated to make hearing impossible; but the pope insisted on continuing in the *Aula*, on account of the neighbourhood of the so-called *Cathedra Petri*,[1] whence a mysterious power was supposed to proceed. Only a few of the bishops spoke Latin fluently enough to be able fully to express their opinions: none of the opposition party had been able to prepare themselves for the deliberations, for although two years of preliminary labour had amassed a prodigious quantity of material, they had not had access to any documents. Added to this, there were the different pronunciations of the Latin; the mysterious secrecy which, in contradiction to all earlier councils, surrounded the proceedings; the refusal to allow anything relating to the Council to be printed at Rome. The circulation of the writings of Dupanloup, Maret, and Gratry was strictly prohibited, whilst those of Manning, Dechamps, and Mermillod were propagated broadcast. Everything showed that from the very commencement no such thing as earnest discussion was intended, but merely an empty form, a sham Council.

Composition of the Council.

With respect to the composition of the assembly, a majority of infallibilists, numbering more than 500, confronted an opposition of about 200. The former consisted of 62 bishops of the Roman territory, 68 Neapolitans and Sicilians, 80 Spanish and South American bishops, 27 French, 4 German, a few English, Americans, Belgians, and Swiss, 110 titular-bishops (*in partibus infidelium*), the

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[1] The supposed episcopal chair of St. Peter, made of oak with ivory sculptures, encased in a bronze shrine of poor taste by Bernini. The wretched scaffolding which separates the *Aula* from the rest of the Church of St. Peter, and disgraces its magnificent architecture, is still maintained as if it was to be used once more.

Italian cardinals, the generals of religious orders, patriarchs, etc. Nearly 300 of these, including numerous missionary bishops educated by the Propaganda, were papal boarders —that is to say, placed out at the expense of the pope and more or less maintained by him. Even on financial grounds, therefore, the Curia could not desire too protracted a session of the Council.[1] The majority of these prelates, such as those from Spanish America and the East, were wholly destitute of theological culture, and followed blindly the lead of fanatics like Manning, Mermillod, and Dechamps. 'These men,' said a Roman cardinal with a sneer, 'would obey, if the pope ordered them to teach four instead of three Persons in the Trinity.' They sat silent in the Council as in the congregations; but they voted with admirable unison—the Italians, because they depended for their existence, after the majority, upon the pope. This held good not only of the 62 who represented the Roman territory, but of all the Neapolitan bishops, the Italian government being anxious to reduce the number of the sees, and the sole hindrance to this being the pope, who would have let anyone fall who opposed him. The leading Ultramontanes among the French were the bishops of Nîsmes and Poitiers. The German infallibilists were represented by the bishops of Würzburg, Eichstädt, and Paderborn; the English by Manning and Cullen; the Belgians by Dechamps.

The opposition minority.

The opposition minority comprised 200 bishops, of very different shades of opinion. Their ranks included all the Portuguese bishops, all Germans, with the exception of the three above-named, the large majority of the Austro-Hungarians, half of the French, and of the North Americans, a few Irish, and a fair number of Orientals.

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[1] Pius himself is credited with the pun, 'Facendo mi infallibile, mi faranno fallire.' (While declaring me *un-failable,* they will cause me to *fail.*)

Of the French prelates, the most influential were Darboy, the archbishop of Paris, and Dupanloup, bishop of Orleans. The former was especially hated at Rome, because, superior to all allurements of outward vanity, he had persistently refused to show the smallest complaisance in dogma, even for the price of a cardinal's hat, and yet they dared not attempt to silence or openly to offend so formidable an opponent. They revenged themselves, all the more, on Dupanloup, once the most honoured son of the Church, in the days when he had defended the temporal power of the pope. The boldness with which he and his friends Montalembert, Maret, and Gratry now stepped forward openly against the infallibilists vexed the Vatican sorely, and it was resolved to make him feel his disgrace.

Of the German and Austrian bishops, Hefele of Rottenburg, Krementz of Ermeland, Dinkel of Augsburg, Rauscher of Vienna, Schwarzenberg of Prague, and Strossmayer of Agram, were the most prominent. The one fact, that the father of the Austrian Concordat now took his place among the liberals was significant enough.

Disproportionate weight of mere numbers.

Had the votes been weighed, instead of counted, pretty well all the theologians of learning and character would have been found on the side of the opposition. But still greater was the disproportion if the dioceses which they represented were considered. The majority included, first of all, the 62 Roman bishops, who represented three quarters of a million of people still attached to the temporal rule. The arch-diocese of Cologne numbered nearly 1½ millions, Breslau 1¾ millions, and Paris 2 millions of Catholics. The five millions of Neapolitans possessed 68 votes at the Council, while the twelve millions of German Catholics had only 14. But, besides this, on the side of the majority were 110 titular bishops, without any community and of the purest papal complexion; together with the Spanish prelates, who were nearly all the nominees of Isabella. Could the disproportion between the representatives and those they represented be carried farther?

Divisions in the minority.

However, it was not merely the compact majority of the 500 which made the position of the minority so difficult, nay even hopeless. There was the fact, above all, that the minority was divided against itself. Only the smaller number among them were really opposed in principle to the dogma which transferred the infallibility of the Church to an individual; the larger number disputed merely the opportuneness[1] of its proclamation, fearing that such a step would lead to personal dilemmas and conflicts in their dioceses as well as with the government.[2] They had by no means broken with their Ultramontane past; but those very antecedents, on the other hand, rendered all effective opposition impossible. The plea of inopportunity could not avail against an article of faith. In the *non-placet* of such people, therefore, there was, as Friedrich justly remarks,[3] a secret *placet* for the infallibilists; the latter needed only to push the matter to such extremities that any further persistence in opposition to the dogma should appear a greater evil than its inopportuneness. It was evident from the proceedings of the Curia that nothing was to be gained by complaints, protests, or individual remonstrances. The minority would never get the chance of a hearing, unless they declared their determination, at the very outset, to answer every act of violence by secession *en masse*, and thus to deprive, in fact, the Council of its œcumenical character.[1] But while they delayed taking such an energetic step against the chartered regulation, which cut away from them all freedom of action, they took refuge on a vacillating platform of law, which increased the difficulties of effective resistance, already brought about by their disunion. Certainly the opposition appeared too strong, both from their numbers and the personal importance of thier leaders, to render it easy to carry the dogma by simple acclamation; but had they been allowed to talk as much as they pleased, they would never have achieved any practical result.

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[1] Pius himself replied to the query, whether he considered the dogma as opportune, by saying 'No, but necessary.'

[2] 'Primi sunt paucissimi, quia opinio hæc potest esse illorum solummodo qui multum studiârunt, et Scripturam, Patres et historiam ecclesiasticam bene cognoscunt. Secundi sunt plurimi, et non erit difficile eos reducere ad rationem, quia oppositio eorum non habet fundamentum dogmaticum.'—Epist., p. 18.

[3] P. 248.

Attempted intervention by France.

When now in January the majority demanded, in a *Postulatum* or petition to the pope, signed by 410 members, the public and positive definition of infallibility,[2] whilst the counter-petitions, though still not venturing actually to oppose the dogma itself, but merely insisting on its inopportunity, were simply rejected, a few leaders of the minority turned, in their helplessness, to their governments for protection. France had evidently here the most influential voice; for her troops alone rendered possible both the Council and the temporal rule. Count

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[1] On this point Baron Arnim justly observed in his letter of January 8, 1870: 'It was important, above all, to begin by impugning the validity of the Council, as at present composed, and to repudiate the binding force of its constitution and the regulation of business which the Curia had foisted upon it. If at the very first the net had been torn away, which the Vatican and the Jesuits had thrown over learned but timid heads, infallibility itself would have fallen through the meshes.' The author of the 'Epistolæ' says that such a step was much dreaded by the Jesuits, and adds 'Sed per fortunam aut per pauram hæc idea nulli venit in testam.'—P. 16.

[2] Strange to say, Baron Arnim was not fully convinced that the Vatican would proceed to the definition, and thought it possible that they would be contented with this demonstration, and would give a virtuous example of great moderation. His notion, also, that a 'manifestation of Catholic Germany, extending its influence to Rome,' would be sufficiently uncomfortable to the fathers of the Council to effect a change for the better, may well be designated an illusion.

Daru, who replaced Prince Latour d'Auvergne in Ollivier's ministry, had, at his accession to office, expressed himself, in a speech in the Senate, entirely in the spirit of his predecessor. But the disquieting news from Rome induced him to address a letter, on January 18, to one of the French prelates, in which he declared that, in case the dogma of Infallibility was proclaimed, the continuance of the French garrison would be impossible. This threat, however, as well as subsequent allusions (February 5) to the failure of the financial negotiations between Rome and Italy, which had been arranged by France, to the collapse of the Concordat, and to the dangers threatened by the revolutionary party, remained unnoticed by the Curia. The latter was convinced that the emperor would never venture to break with Rome in his difficult position at that time; and the subsequent demand of Count Daru for the admission of a special envoy to the Council met with a decided refusal.

Futile protests of Beust.

Equally fruitless was the activity of Count Beust. He declined, indeed, to imitate the example of the French Cabinet, nor would he put in any protest against eventual decrees of the Council; but he constantly repeated his warnings against the indiscreet proceedings of the Court of Rome, and pointedly referred to the awkward relations which those proceedings must prepare for Austria. To believe, indeed, that Rome would pay any attention to that fact, appears in a measure naïve; for there it could not but be a matter of rejoicing to be able thus to take revenge upon the chancellor who had torn up the Concordat. Count Beust obtained nothing but evasive answers from Antonelli, who either pretended to know nothing of what was going on at the Council, or remarked that hitherto the Council had only dealt with proposals that had been laid before it, and about which the assembly would decree as it deemed best. The only clear and

Consistent policy of Bismarck.

consistent position was occupied again by Count Bismarck. He declined, in his instructions of January 5, 1870, addressed to Baron Arnim to submit, in the name of the government, demands for the German episcopate to the Curia or the Council. By so doing the government would place themselves in a false position towards both. They would express a sort of recognition of the authority claimed by Curia and Council, and thus abandon the only possible standpoint, namely, that 'we, as a government, stand on a perfectly foreign and free footing towards the Council, and are entitled to bring its decrees before the forum of our laws and of our State life.' This position sufficed already to show the inexpediency of a permanent conference of the ambassadors at Rome, such as Arnim had suggested under the title of an Anti-Council,[1] apart from the fact, that the conference, considering the different principles that guided its members, would offer no prospect of success. The only feasible thing to be done, was to encourage, and morally to support, the German bishops, and to give them the assurance that, in case of the worst, their rights in their own countries should be protected. The ambassador might also intimate to them that changes, deeply penetrating the organisation of the Catholic Church, such as the curialistic party, with their absolutist tendencies, would probably strive to effect, would not remain without influence upon the relations of the Church towards the State, and at the same time upon their own position towards the government. For these relations were based upon the existing organisation of the Church, and the recognised position of the bishops therein ; were these relations altered, then the duties of the government would be altered also, not only in a moral, but also in a legal sense. But so long as the discussion was strictly limited to the ecclesiastical province, a prominent Protestant power like Prussia was not called upon to commence a struggle against Curia and Council. It would be the bishops, on the contrary, who would have to guard their position and the spiritual interests of their dioceses. The government could only let the episcopate know, that they would protect it against all violence, if the bishops would protect their own rights. Everything depended on whether the bishops would have the courage to do this. All real action on ecclesiastical territory must be left to them. If the government were to seek to undertake the guidance of their action, or even to demand it merely for certain definite steps, it would be entering upon a field in which the Curia would have the advantage.

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[1] By the way, a most unfortunate expression to choose, for at that very time an assembly of atheists, similarly called, was meeting at Naples, who declared that the idea of God must be extinguished, as the root and keystone of all absolutism.

New regulation to quicken business. Feb. 22, 1870.

It would be difficult to state more forcibly, than was done in this despatch, the only right and practicable position for Prussia. But the German bishops, like the whole of the opposition at the Council, were exactly wanting in that courage to make a stand for their convictions, which Bismarck assumed as the condition of his support; and the Curia, who were well informed on this point, proceeded with corresponding recklessness. The regulation of business, according to its view, allowed the opposition 'too much freedom in evil.' A decree was issued on February 22, which adverted to its defects, and began with the mocking remark, that the Holy Pontiff, 'having regard to the complaints repeatedly made to him by the Fathers, that the discussions were protracted to an unreasonable length,' had determined to make some special regulations for the congregations. The real meaning was that an end should be put to debate: Upon the distribution of a scheme to the Fathers of the

Decisions taken by majority.

Council, those who had any remarks to make were henceforth to submit them in writing, within a reasonable period to be fixed by the Cardinal Presidents, to the Secretary of the Council. The latter was to forward them to the respective Commissions, who should then consider them or not at their discretion, with reference to the scheme to be laid before the Council. No discussion was to be allowed, but simply the votes taken, which those who received permission to do so, might elucidate by summing up their arguments. On the motion of ten fathers, however, the presidents could allow a vote to be taken as to the termination of the debate. Further, the right was given to the pope to publish decrees, which had obtained a mere majority of votes—'id decernetur quod majori Patrum numero placuerit'—an arrangement which flagrantly contradicted the traditions invariably maintained by the Church, according to which a Council can only decree articles of faith unanimously (*nemine dissentiente*), or against an infinitesimal minority; so that, even at the Council of Trent, important decrees, relating to the sovereignty of the pope himself, had to be withdrawn, after the minority had declared against them.

Inertness of the minority.

This new *coup de main*, which, if successful, was bound to lead to the definition of papal infallibility, offered, however, a fresh chance to the opposition of effectually checkmating the plans of the Curia, by declaring unanimously and decidedly that their future co-operation at the Council would depend on the recognition of the necessity of moral unanimity for the validity of dogmatic Conciliar decrees.[1] But they wasted this opportunity by

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[1] Friedrich discerned this when he wrote on March 9: 'I can discover only one successful method of removing all this misfortune, namely, if our bishops leave the Council under protest, and declare, in due form, that they no longer admit it to be Œcumenical. . . . I hear that the opposition intend to persevere until a motion, on the initiative of

Appendix to the scheme *De Ecclesiâ*, March 7.

protests[1] of different groups, which the Curia answered by introducing an Appendix to the decree concerning the primacy, in the scheme for the *Constitutio de Ecclesiâ*. This Appendix represented as a dogma of belief that the Roman pontiff could not err, when, in the exercise of his office as supreme teacher of all Christians, he defined with his authority what was to be held by the whole Church in matters of faith and morality; and that this prerogative of infallibility was co-extensive with the infallibility of the Church.

Protests of France and Austria.

This bold challenge stirred the indignation of the governments no less than of the Opposition. Count Daru demanded the removal of all passages from the *Schema* that were dangerous to the State, and exposed the hollowness of Antonelli's assertion that infallibility was nothing new. The ambassadors of Austria, of the North German Confederation and of Bavaria addressed urgent warnings to the cardinal secretary of state.[2] But the latter, who in no way guided the proceedings, but served merely as a diplomatic screen, answered either with silence or with evasions; and Ollivier, who had succeeded Count Daru early in May, resumed his 'previous position of abstention;'[3]

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the bishops, shall be brought in against them; but I cannot understand on what principle such conduct is based. If the opposition, on the ground of the new regulation. take an actual part in the congregations, they cannot with propriety declare against it when it comes to be applied.'

[1] Legati acceptant adressas et protestationes, sed nunquam verbum respondent.—Epist., p. 16. The Archbishop of Paris said afterwards, 'On nous a fait jouer à Rome le rôle de sacristains, et pourtant nous étions au moins deux cents, qui valions mieux que cela.'—Hyacinthe, 'La Réforme Catholique,' p. 119. And yet these two hundred submitted to this treatment.

[2] The 'Epistolæ' give a graphic account of how Antonelli put off this interference. The French and Austrian ambassadors, moreover, were personally devoted to the Holy See, and simply acquitted themselves perfunctorily of their instructions, without insisting.

[3] Letter to Marquis de Banneville, May 12, 1870.

as the surest safeguard against the dangers arising from the arrogance of the Curia lay in the revolt of sentiment which such an act of self-exaltation was bound to produce among all classes of society.

Timid opposition of the minority.

Such were the obstacles to diplomatic intervention. Nor was anything more attained by the minority. They submitted, indeed, to the dogmatic commission exhaustive dissertations on the primacy and infallibility, which contained a wealth of scientific lore and in part were outspoken enough. But only a few of the minority openly declared that the proposed dogma should be rejected as unfounded either on Scripture or tradition. By far the most opinions were directed only against the 'opportunity' of a dogmatic definition, by picturing the dangers which it would entail upon the Church; and others endeavoured even to make proposals of compromise. Such an opposition, so timid and divided, was naturally but little suited to shake the leaders of the majority, for whom the carrying through of infallibility had now become a matter of vital importance; and just as powerless were the counter-pamphlets, which Rauscher, Schwarzenberg, Hefele, Dupanloup,[1] and Kenrick had printed abroad, to produce any impression on those who refused to be convinced.[2] On the other hand, the infallibilists understood to exert a sensible pressure upon their opponents, by organising in their very dioceses addresses and deputations, demanding the definition of infallibility,[1] which, as the Ultramontane papers triumphantly announced, formed the best proof that those bishops did not at all represent the faith of their dioceses. The opposition were utterly mistaken, if they hoped that remonstrances could dissuade the pope from the idea which had governed his whole life. Argument must be in vain with a man, who, originally destitute of all intellectual clearness and real knowledge,[2] had fallen

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[1] The Bishop of Orleans was at that time one of the best hated men by the Curialistic party, who called him, in allusion to his name, 'Lupus Orleanensis.' He acknowledged openly that during his former short visits to Rome he had never realised to himself the rottenness of the temporal government.—Epist., p. 24.

[2] Bishop Clifden urged, on behalf of the English and Irish bishops, that the denial of the dogma had been made an essential condition of emancipation, and that Catholics would be held to have violated all honour and good faith if they now proclaimed doctrines which they had obtained their civil rights by repudiating.—Friedrich, ii. 259. In Ireland the dogma was never heard of as an article of belief until the Vatican Council. Keenan's 'Controversial Catechism'—a Catholic compilation, largely circulated by clerical authority, and bearing the

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imprimatur of living bishops—contained the following question and answer, expunged in the latest edition:—'Q. Must not Catholics believe the Pope to be in himself infallible? A. That is a Protestant invention; it is no article of the Catholic faith.'

[1] Thus, the clergy of Rheims sent to their 'fallibilist' archbishop an address of this kind, with a request that it might be presented to the pope (Friedrich, p. 330). The bishops were punished in this matter for the reckless manner in which they had exercised their power over the priests, who were thoroughly Ultramontane, since they hoped to find in the pope a protector against the bishops. This fact appeared plainly in the remarkable publication 'Le Concile et le bas Clergé': Paris, 1870—for instance, at page 10: 'L'opinion Gallicane affaiblit le pouvoir du Pape qui est loin, mais elle fortifie celui de l'Evêque qui est près.' In a letter of a 'vieux curé' to his bishop, the writer said, 'Pourquoi nos Evêques tiennent-ils, pour ainsi dire, leur clergé en état de siège, à ce point que l'un d'eux a cru pouvoir dire en plein Sénat, "Mon clergé est un régiment; il doit marcher, et il marche." "C'est la faim qui est le nerf de notre discipline" disait un jour, sans rougir, un grand vicaire. La faim quel triste abus! Abuser de ce qu'un pauvre prêtre a faim, qu'il a à sa charge un père, une mère qui comptent sur lui, pour l'obliger à se soumettre à toutes les exigences du caprice, en lui disant, "Pas un mot, pas une plainte, pas un murmure, pas même l'ombre d'une velléité de résistance à l'autorité, ou vous êtes anéanti. *Sic volo, sic jubeo.*"' ('Der Katholik,' Mayence, 1851; New Series, iv. 448.) How welcome now was the opportunity of outbidding the bishops in loyalty!

[2] 'Nihil intelligit de rebus ecclesiasticis, ita ut quando illi parlatur omnia frantendit et deducit consequentias tuttas contrarias, quando autem vis rectificare sbaglios suos, non admittit errasse et inviperiscit in te et imponit tibi silentium sicut puerculo scholari.'—Epist., p. 9.

Reckless obstinacy of the Pope.

through constant flattery[1] into a state of mind, which only differed from that of the visionaries of the middle ages inasmuch as he spoke relatively the language of the nineteenth century. He listened neither to advice nor warnings, but only to his pretended inspirations. When Cardinal Guidi objected, that in his Allocution, in which he was willing to couple infallibility with certain conditions, he only mentioned tradition, Pius replied, 'La tradizione son' *io* ('I am tradition.') When a deputation of French bishops earnestly entreated him not to push matters to extremities, and reminded him of how much they had done for him, he answered, that even the most zealous of them had only done their duty, and could find therein no excuse for disobedience. In a general audience given to a deputation of all nations, he said, that the Council would execute the business of God, without heeding sundry conceited wiseacres, who were afraid of touching certain questions, and dared not swim against the stream. It could only excite feelings of profound depression, as a bishop well remarked, to see a man, at the very moment when he wished to exalt his own dignity nearer to the Deity, recklessly exhibiting the most petty weaknesses and passions. But it was evident that it was impossible to reason with such a temperament. Pius treated with reckless scorn every member of the opposition as his personal enemy.[1] He denounced, in a brief, the letter of the bishop of Orleans as full of 'hollow, hostile sophisms, which alone have caused the disquieting of consciences.' Even the solemn mass for the dead was refused at first to Montalembert.[2] On the other hand, he commissioned his nuncio at Paris to thank all the French, who were inclined in favour of infallibility, for their submission.[3] Against the Austro-German bishops in particular he lost no opportunity of venting his spleen. The German spirit, he said, had corrupted everything.

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[1] What was rendered to him in this respect borders on the inconceivable. A deputation assured him that the Holy Virgin, who owed to him the most beautiful gem in her crown, could not possibly let herself be outdone by him in generosity. The archbishop of Avignon said in a sermon during the Council, that God had thrice become flesh, in Bethlehem, in the sacrifice of the Mass, and in the Vatican; and the editor of his latest speeches, Don Pasquale de Franciscis, introduces them with the words: 'Receive, as from the hands of angels, this Divine volume of the angelic Pio Nono.' P. 4. Compare for similar utterances Michaud, 'L'État actuel de l'Église de France.'

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[1] Even the most unworthy police measures against them were not disdained. Antonelli declared that in Rome every Catholic priest was subject to the Pope and the Inquisition. The bishops might make excursions into the country, but they could not leave the Council without permission. Books sent from abroad were kept back for weeks at the papal post-office. Father Theiner was removed from his office as Prefect of the Archives for having allowed Hefele and Strossmayer to examine the Tridentine Regulation.

[2] A few hours after the news of Montalembert's death had reached Rome (March), the Pope happening to be receiving a large body of foreigners, chiefly French, at once disburdened his mind on the subject of the deceased Count:—'Il était malheureusement de ces Catholiques libéraux, qui ne sont que des demi-Catholiques. Il y a quelques jours, il écrivait des paroles'—here he paused, expressed his hope that Montalembert had died a good Catholic and said that pride had been his great fault. When next morning several French bishops and many laymen assembled before the Church of St. Louis (belonging to the French), they found Veuillot stationed there to inform them, that the Pope had forbidden any service to be held for the Count. The intense feeling of indignation existing among the French by this proceeding was privately intimated to the Pope. Accordingly some days afterwards he drove privately to an out of the way church, where he ensconced himself in the tribune, and directed a bishop to say mass 'pro quodam Carolo.' It was then announced in the 'Giornale di Roma,' that in consideration of the former services of Count Montalembert, his holiness had ordered a mass to be said for him and had himself assisted.

[3] The pamphlet 'Ce qui se passe au Concile' gives the list of all the briefs and other documents by which the Infallibilist writers were encouraged.

All the efforts of the opposition resulted only in making the Pope resolve on decisive measures. The earlier proposition was replaced by a new one, on May 10, which appeared to have been framed with the object of expressing with the utmost rigour and exactitude what the minority, with their scruples, were anxious to avoid. Already on the 13th the general debate began, which, after a long tournament of words, was brought to a close by an abrupt division on the motion of more than 100 bishops, on June 3. This step so exasperated the minority, that their most important members, such as Strossmayer, Darboy, Dupanloup, and others, advised that they should abstain from further debates, and record a solemn *non-placet* at the final voting. But Hefele declared himself against proceeding to these extremities, as the latter object could always be attained, whilst the first measure would cut off all hope of settling the dispute. His arguments prevailed; and thus nothing more was done than a protest, which of course remained absolutely ineffectual.

Close of the general debate, June 3.

It must be confessed that, in itself, the termination of the debate, after nearly all arguments on either side had been expended, could not be called unreasonable, but it was certainly a fatal error on the part of Hefele to oppose the only step that offered a prospect of success. The opportunity of resistance, once neglected, could not be utilised again; and the *non-placet* at the final voting came too late. Amidst general despondency, and with a weariness increased by the unusual heat of the weather,[1] the opposition entered upon the special debate on the chapters of the scheme, which lasted until July 4. With the voting came now the final decision, the gravity of which was represented once more in eloquent terms by the last manifesto of the opposition, *La dernière Heure du Concile.* But the minority again showed themselves unequal to their task. They frustrated, it is true, the attempt of the Curia to take them by surprise, when it was proposed to insert off-hand in Chapter iii. of the decree, a paragraph, ascribing the fulness of Church authority to the Pope alone, and thereby excluding the episcopate. But when the preliminary vote was taken on the whole Constitution in the general congregation of July 13, the opposition only numbered 88 *non-placets*, while 62 voted with the *placets juxta modum*, i.e., with certain qualifications; and 451 registered an absolute *placet.*[1] The minority, thus melted down, would still have gained a considerable success, if they had plainly declared their wish to repeat their *non-placet* at the concluding vote in the solemn plenary session, had the Curia been forced to the conviction that such a session must take place. But that session, indeed, would never have been held; for even Pius IX. would never have ventured to proclaim a dogma against eighty-eight votes of the most distinguished prelates.

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[1] A motion of several bishops to adjourn the Council on that account was most ungraciously rejected by the pope, and Veuillot in the *Univers* had the rudeness to exclaim to the minority: 'Well, if the precious wine of infallibility can only ripen in that furnace, let them roast.'

The Constitution voted, July 13.

But their courage did not suffice for such a step. After a renewed attempt to obtain from the pope some slight modification of the Constitution had proved unsuccessful, in spite of Ketteler's prostrating himself at his feet, fifty-six bishops addressed a letter to Pius, in which, while repeating, it is true, their negative vote, they declared that 'the filial piety and veneration which had led their deputies to the feet of his holiness would not allow them to say *non-placet* publicly and in the face of the father of the Church, in a matter so nearly affecting

Desertion of the minority.

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[1] No less than 91 were absent, among them the Secretary of State. See 'Eight Months at Rome during the Vatican Council,' by Pomponio Leto. London, 1876. Engl. transl., p. 204.

the person of his holiness.'—This was not a defeat, but a simple desertion of their colours. If veneration for the obstinate old man, who himself was never deterred from his fixed idea by any intimidation on the part of his opponents, did not allow them to say no, still the Council was not an executive, but simply a deliberative assembly.[1] If this expedient is to be regarded merely as the result of the lamentable pusillanimity with which the minority drew back, step by step, from every decisive act, it is altogether incomprehensible that a diplomatist, so well initiated in the proceedings as Baron Arnim could have advised such a step. In his second letter of June 17, addressed to a prelate, which moreover predicts so forcibly the consequences of the proclamation of infallibility,[2] he did not, indeed, recommend such a statement of explanations as the one above mentioned, but he advised them to 'repeat once more, before the public session, their *non-placet* in a written protest, and to leave Rome, without affording scope for further transactions.' This proceeding, which was actually adopted, remained entirely without effect, since every protest given outside the Council was regarded, in a parliamentary sense, as not existing. At the voting only the formally tendered *non-placets* were taken into consideration; not those of members who either stayed away or abstained from voting. Moreover, in written protests there was no security that the protesting parties would persevere in their opposition. The Curia foresaw that as soon as the minority had dispersed, one after the other would drop off; and this in fact happened. Not the smallest attention, therefore, was paid to the document, but its authors were simply rebuffed. On July 18 the dogma of Infallibility was proclaimed by Pius IX., with 533 against two votes.[1]

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[1] Even now Catholics of the most unimpeachable orthodoxy severely blame the pusillanimity of the bishops. Segesser, the leader of the Swiss Ultramontanes, says in his remarkable pamphlet 'Der Cultur-Kampf' (third edition, 1875, p. 22 *sqq.*), 'We think it was the sacred duty of the fathers who, in the congregation had given their *non-placet*, and still in the audience of the pope had maintained their vote, to confirm it in the public session. If they had been of opinion that dogmas might be defined by majority, they were always at liberty to submit to such a resolution. If, on the contrary, they maintained that unanimity, or *quasi*-unanimity, was necessary, they were not justified in making such unanimity possible by staying away simply in order not to offend the pope. They avoided, indeed, a schism; but it is very doubtful whether the consequences which have arisen are not worse than those which might have arisen had the bishops remained faithful to their opposition.'

[2] 'From the day,' he writes, 'on which Infallibility is proclaimed, with the consent or the tacit connivance of the Episcopate, the Governments, as the representatives of the modern political and national interests, will find themselves attacked by the Roman Church. I do not, indeed, affirm that the enactment of Infallibility will immediately result in a state of things much worse than what has been induced by the practices prevailing in Rome for the last thirty years; but I am afraid the history of the Œcumenical Council will prove to the satisfaction of all that there is a power at Rome warring against the political progress and organisation of the modern world. More than this,

The minority withdraw.

Proclamation of Infallibility.

The outbreak of the Franco-German War scattered the Council to the four winds. It had fulfilled the task which its originators had imposed upon it; but the temporal sovereignty, which was to have been restored to its full extent by the fulness of spiritual power, finally

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the German bishops in all probability will show themselves so utterly dependent upon the mischievous central power at Rome, that at the eleventh hour they will not only abandon their own deliberate opinions, but actually accept as revealed truth what they have denied before, and what the secular power can never put up with.'

[1] The two dissentients were Ricci of Cajazzo, and Fitzgerald of Little Rock. Two of the 88 who formed the minority of the 13th voted now with the majority. A terrible thunderstorm was raging that day over Rome. 'Cærimonia fuit tristis et gelida; aula depopulata . . . . S. Pater erat imprimis arrabiatus, postea abbattutus et stancus.'—Epist., p. 44.

collapsed. The shortsightedness which marked the Italian policy in regard to the issue of the war, and the hollowness of the pretexts for occupying Rome, may be admitted without reserve. But the littleness of the men by whom this judgment was executed makes no difference in its importance in the history of the world. Providence often makes use of unworthy instruments to accomplish grand designs. The same year which saw the overthrow of Cæsarism immediately after the plebiscite, witnessed also the Nemesis which overtook the spiritual pride of the Pontiff, now exalted to its highest pinnacle, and showed to him who arrogated to himself a divine nature, that God is a jealous God, who will allow to none other the honour due to Himself.

CHAPTER XXIV.

THE RESULT OF THE VATICAN COUNCIL.

Triumph of Rome over the Episcopate—Dogmatic Constitution of July 18, 1870—Liberal Catholicism in Germany—Döllinger rebuked by the Curia—Anomalous Attitude of his School—Arguments of Schulte examined—Question of Œcumenicity and Freedom of Council—The Dogma tested by Scripture and Tradition—Congresses of Old Catholics at Munich and Cologne—Chimerical Hopes of a reunited Christendom—Church Constitution of the Old Catholics—Consecration of Bishop Reinkens—Divisions in the Old Catholic Party—The Movement compared with the Reformation—Its untenable Character—Its Protection by the State—False Policy of the Government in Prussia—Conduct of Bavaria—Probable Future of the Movement—Altered Relations between Catholicism and the State—Austria rejects the Concordat—The Reservation of *ex Cathedrâ.*

Triumph Rome over the Episcopate.

THE Vatican Council was substantially the struggle between the last remnants of episcopal independence and papal absolutism, and it terminated in the unconditional victory of the latter. The Curia, it is true, had already for a long time virtually governed the Church with unlimited sway. A Council, which might have rendered its power doubtful, did not exist, and could not be called together without special appointment from the Vatican. Step by step the bishops had lost their former position of independence. Even against the open usurpation of absolute power by the pope, in his proclamation of a dogma on his own authority, they had not ventured to offer any opposition. But not even all this would satisfy Pius IX. His absolute monarchy was to be acknowledged, as the orthodox doctrine of the Church, by that very organ in which episcopacy had hitherto found its chief support.[1] And this object he succeeded in accomplishing, when the bishops, in their decree of July 18, invested the pretensions of the papacy with the authority of a dogma, by which they renounced for the future all independent rights, and reduced themselves to the position of mere instruments and officials of the Universal Pontiff.

Dogmatic Constitution, Pastor Æternus, July 18, 1870.

The *Pastor Æternus*, or 'First Dogmatic Constitution of the Church of Christ,' gives the curialistic theory of the position and power of the Pope in all its rugged severity. The substance of its four chapters is as follows:—

1. Upon Simon Peter only did Christ confer the jurisdiction of Chief Pastor and Ruler over His whole flock. Let those therefore be anathema who deny that Peter alone, in preference to the other Apostles, whether to each separately or to all collectively, was endowed by Christ with a true and proper primacy of jurisdiction, or who affirm that this primacy was transmitted not immediately and directly to Peter, but to the Church, and through it to him as a minister of that Church.

2. Peter lives, presides, and judges till now, and always in his successors, the bishops of the Holy Roman See, which was founded by him and consecrated by his blood. Hence, whoever succeeds to Peter in this chair, he, by the institution of Christ Himself, obtains the primacy of Peter over the Universal Church.

3. Wherefore all the faithful of Christ, as the definition of the Œcumenical Council of Florence already teaches, are bound to believe that the holy Apostolic See and the Roman Pontiff have the primacy over the whole world; and the Roman Pontiff is the successor of Peter, and the true Vicar of Christ, and the head of the whole

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[1] 'Opus est facere S. Patrem padronem in domo suâ, et reducere episcopatum etiam in theoriâ, quod in praxi jam factum est, ad unam positionem conformem ideæ et bisognis Ecclesiæ.'—Epist., p. 19.

Church, and the father and teacher of all Christians, and that to him, in Blessed Peter, full power was given by our Lord Jesus Christ to feed, rule, and govern the Universal Church. . . . This power of jurisdiction of the Roman Pontiff, which is truly episcopal, is immediate ; and pastors and faithful of every rite and rank, whether singly and separately, or collectively, are bound to it by the duty of hierarchical subordination and true obedience, not only in things which pertain to faith and morals, but also in things which pertain to the discipline and rule of the Church.[1]

Further, from this supreme power of the Roman Pontiff of governing the Universal Church, it follows that he has the right of communicating freely with the pastors and flocks of the whole Church in the exercise of this his office. Whereupon we condemn and reprobate the opinion of those who say that this communication of the Supreme Head with the pastors and flocks may be lawfully impeded, or who make it dependent on the secular power. . . . He is the supreme judge of the faithful, and in all causes which are of ecclesiastical cognisance recourse may be had to his judgment; the judgment of the Apostolic See, whose authority has no superior, can be reviewed by none, and no one is allowed to judge its judgments (*judicium a nemine fore retractandum*).

4. But since it has always been held by the Holy See that 'the supreme power of the *magisterium* is also contained in the Apostolic Primacy . . . . and since in this our age, in which the salutary efficacy of the Apostolic office is more than ever required, not a few are found who oppose its authority or judge it to be necessary

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[1] That this 'teaching of Catholic truth, from which no one can deviate without injury to faith and to salvation' (*salvâ fide et salute*), can prejudice in no way the ordinary jurisdiction of the individual bishops, is maintained by these, indeed, but not proved.

solemnly to assert the prerogative which the only begotten Son of God designed to join to the supreme pastoral office. . . . . Therefore, *Sacro approbante Concilio*, we teach and define it to be a dogma divinely-revealed, that when the Roman Pontiff speaks *ex Cathedrâ*, that is, when in discharge of the office of Pastor and Teacher of all Christians, he defines, in virtue of his supreme Apostolic authority, a doctrine of faith or morals to be held by the Universal Church, he enjoys, by the Divine assistance promised to him in the person of Saint Peter, that infallibility with which our Divine Redeemer willed His Church to be endowed in defining doctrines of faith or morals;[1] and that, therefore, such definitions of the Roman Pontiff are irreformable of themselves (*ex sese irreformabiles*), *and not from the consent of the Church.*[2]

With this astounding document, the papal system is carried to a pitch of presumption, beyond which nothing more is possible; for every dogma which may be proclaimed by Pius IX. or his successors, however extraordinary it may be, must be considered just as much a pure emanation of infallibility, as every new claim in the Church and for the Church is the result of the omnipotence of the universal bishop.[3] From a Protestant point of view all that can be said of such a dogma is that it is anti-Christian; that it openly defeats the cause of true religion; that both in itself and in the means by which it was accomplished, it has laid bare to demonstration the deep-seated rottenness of Romanism; and that its solemn ratification by a council professedly œcumenical, has given a fresh and striking proof of the infallibility of such assemblies. And further, it is certain that in the proclamation of the new dogma there is a manifest contradiction. If the pope is infallible, he must always have been so; consequently the Council is fallible and its declaration has no value; not the Council, but only the infallible pope himself can declare that he is infallible. If, on the other hand, the Council is infallible, the pope must be fallible; for an infallible organ of the Church can never transmit its infallibility to another one.

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[1] Accordingly the *Civiltà* was not ashamed to declare that when the pope thinks it is God who is thinking in him.

[2] This last formula was added at the last moment to the decree, at the suggestion of the Spanish bishops, and in defiance of the entreaties of the minority for some modification. Its object was to cut away the ground from those who, as, for instance, in the case of the dogma of the Immaculate Conception, accepted the statement of the Pope's infallibility, on the supposition that the Church, tacitly, if not expressly, endorsed his utterances. The first wording of the amendment, 'irreformabiles ex sese absque consensu Ecclesiæ,' was rejected by the Assembly. 'Eight Months at the Vatican Council,' p. 208.

[3] In this respect Renan undoubtedly has defined with accuracy the situation: 'Comme Richelieu et Louis XIV. ont écrit d'avance les traits essentiels de la révolution, de même Pie IX. a décidé que l'unité

The Vatican's triumph partly due to indifference of Catholic laity.

Nevertheless, it would be an error to ascribe the victory of the Curia simply to the tricks of the Jesuits or the weakness of the bishops. It was achieved because it was the ultimate consequence of the infallibility of the Church. The episcopal theory was vanquished, in principle, ever since the failure of the great councils of the 16th century. Accordingly, the Catholic masses, whose life is regulated by, and penetrated with their faith, but who are for the most part extremely ignorant on religious matters, felt themselves wholly unconcerned with the question of infallibility, and saw nothing very novel or alarming in the dogma. As for unbelievers and sceptics, they cared not one way or the other. If they had abandoned, at least outwardly, the established religion, it was to pass, without reserve, to free thinking, and to regarding all theological discussion as a waste of time. This was

catholique périrait révolutionnairement, par excès de pouvoir: toute force se brise quand elle a atteint son maximum.' (Revue des Deux Mondes, Févr. 1874: 'La Crise Religieuse en Europe.')

particularly the case in purely Catholic countries, such as Italy, Spain, and Belgium; even in France only a few learned ecclesiastics [1] and laymen shrank from the extremity, so repugnant to their theological knowledge.

School of Liberal Catholics in Germany.

But it was different with the Catholics living in countries where mixed confessions prevailed. Here an opposition arose against the new dogma, which rejected it on the ground that the decree of the Council was, in substance as well as in form, invalid. This view is represented by the theology of German Catholicism. This school, has, it is true, for a long time occupied a very peculiar position within the united Church. 'Le Catholicisme libéral,' says Pressensé,[2] 'n'est nulle part aussi hardi, aussi décidé qu'en Allemagne. On n'habite pas impunément cette terre classique de la libre science.' The unavoidable contact with Protestant theology could not fail to react in time upon the Catholic, because the latter was forced into controversy with Protestantism, and therefore, in measuring swords with so formidable an opponent, was obliged to be careful in its assertions. In the interests of defence against Protestant attacks the German Catholic theologians acted like the liberal Catholics in general. They endeavoured to avoid and soften away the most important points of official dogma and canon law; and, where this was not possible, to represent them as compiled under the influence of the middle ages, and destitute of value for the present time. In this manner they constructed a scientific system of Catholicism, which should prove to the world that the Catholic Church was not in reality the 'decried, stationary, and stultifying institution' that its enemies supposed.[1] But however valuable the philosophical works of Hermes and Günther, the dogmatic writings of Möhler, and the ecclesiastico-historical writings of Döllinger and Hefele, still the system itself rested on very weak foundations. Scientifically, it was incomplete, since enquiry was only carried so far as was possible without open opposition to Catholic authority; but it was nevertheless indisputably a contradiction to the doctrine alone recognised by Rome, and which was taught in all purely Catholic countries. In order to escape from this dilemma, the school sought, on the one hand, to represent the Ultramontane view, which, if monstrous, was logical enough, as an exaggeration of the Jesuits, in no way binding on the Church, and, on the other hand, to attest the genuineness of their Catholicism by hostility towards Protestantism and by a ready furtherance of all claims of the Church to authority.[2] Notwithstanding this, however, the German theologians remained in very ill odour at Rome.[3] 'Their position towards the Curia,' says Renan, 'was that of learned advocates defending, with a mass of texts and authorities, a client who took a malicious pleasure in destroying their arguments as fast as they were painfully building them up.' Wherever, therefore, these theologians showed a weak side that was open to attack, the Curia never failed to let them feel its displeasure.

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[1] Among these were the Abbé Michaud and Father Hyacinthe. Gratry retracted immediately in a letter addressed to the Archbishop of Paris (November 25, 1871):—'Tout ce que sur ce sujet, avant la décision, j'ai pu écrire contraire aux decrets, je l'efface.' The Archbishop himself said to Hyacinthe, 'Ce dogme n'a pas l'importance que vous lui attribuez, et au fond il ne décide rien. Je n'y étais pas opposé comme théologien, car il n'est pas faux, mais comme homme, parcequ'il est inepte.'—Hyacinthe, 'La Réforme Catholique,' i. 119.

[2] 'Le Concile du Vatican,' p. 125. Renan in his essay even maintains that a German Catholic, with a little culture of mind, has almost Protestant habits of thought.

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[1] Circular of Prof. Himpel at Tübingen, May 16, 1863.

[2] It is only necessary to recall the dishonourable part played by Döllinger in Abel's genuflexion edict. At the Würzburg Assembly in 1848 he was among the most zealous advocates of Church authority.

[3] Pius IX. said significantly of one of their champions, '*è buonissimo teologo, ma cattivo Cristiano.*' 'His holiness speaks with indignation of philosophy,' writes Flir in his 'Letters from Rome,' p. 23. . . . 'He is resolved to proceed with severity, and the *Index* will have plenty of work' (p. 69). The author, formerly a professor at Innspruck, then 'Uditore della Rota' at Rome, and therefore certainly not open to sus-

Their relations with Rome.

The more strenuously now that Rome, driven into straits by the development of the Italian question, endeavoured to press all the forces of Catholicism into blind devotion to her service, so much the more doubtful became the position of these scientific Catholics. Their conscience forbade them to agree to the inviolability of the Ecclesiastical State, for they knew only too well the manner of its acquisition; and yet, even the most considerate hints of Döllinger[1] on this point were answered with angry censure. The proclamation of the Immaculate Conception they were bound, of necessity, to regard as an

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picion as a freethinker, gives a graphic picture of the profound ignorance and arrogance which he found prevailing at Rome, and assures us that there only he had learned to appreciate German science. Casuistry, scholasticism, and the canon law were the only branches of study that were actively cultivated. (Pp. 14, 15.)

[1] In his 'Church and the Churches,' published at Munich in 1861, he not only admits the misgovernment of the Papal States, but confesses that the French garrison protects the pope, not against Piedmont, but against his own subjects and volunteers. 'What is there,' he says, 'to prevent us from thinking that a state of circumstances may arise in which, when elections to the papal dignity occur, the persons chosen shall no longer be decrepit, aged individuals, but men in the prime of their years and their strength; a period too in which the people shall be reconciled to their government by free institutions, and share in the conduct of their own concerns?' (P. 430, McCabe's transl.) Döllinger considers that concessions of religious freedom would be harmless, because no one at Rome would become a Protestant. As a reason for the bad state of papal finances in former times he alleges that the popes 'could not withdraw themselves from the obligation to support the Catholic powers in the religious struggles of the sixteenth and seventeenth centuries, and especially from furnishing contributions in money, troops, and ships for the wars against the Turks' (!). (*Ibid.* p. 368.)

invasion of the rights of Church Councils; but they never ventured to protest against it when accomplished. In a lecture which Döllinger delivered on this subject, the papal nuncio ostentatiously rose and left the room. When, in 1863, at the opening of the Catholic Congress, he declared his preference for German, as compared with Ultramontane theology, he was violently attacked by the partisans of the latter; his programme was defeated; and a telegram was sent to the pope, announcing that the question of the relations between science and authority was decided in favour of the subjection of science. Pius IX. replied by sending his blessing; but in a brief of December 31, to the archbishop of Munich (*Tuas libenter*), he expressed his disapproval of such assemblies, and observed that subjection was required not only to dogmas but also to papal constitutions, the *Index*, etc. Only on condition of accepting the principles of this brief were the bishops to allow such assemblies to be held,—so the nuncios at Vienna and Munich declared in a circular of September 4, 1864. Döllinger's speech was implicitly condemned by the Syllabus[1]; and the *Civiltà Cattolica*[2] maintained that the bones, not only dry but putrid—the Universities—could only be galvanised into life by listening to the words of the Council, at which the infallible pope would declare the law of God.

They revolt against Infallibility.

But, although the German theologians submitted to all these individual rebuffs with the utmost resignation, they felt—as indeed, they could not help feeling—at the approach of Infallibility, that if ever it became a dogma, their whole edifice of theology, as it had stood hitherto, must inevitably collapse, and their position, with regard to Protestant science, must at once become untenable. The question, therefore, was one of life and death; and they entered on the combat with the utmost decision and promptitude. Döllinger, says Renan, on being consulted as to the new dogmas, replied that if they were promulgated all would be lost.[1] This great strategist saw that the new dogmas would render it impossible to argue any further against the Protestants. The side of the fortress in which he was defending himself was very narrow, and he declared it was as much as he could do to hold his ground; if it were narrowed still further, the defence would become absolutely impossible. The majority of the known theologians of the German Catholic Universities concurred in this opinion.

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[1] Art. XIII. 'Methodus et principia, quibus antiqui doctores scholastici theologiam excoluerunt, temporum nostrorum necessitatibus scientiarumque progressui minime congruunt.'

[2] 1868, ser. vii. vol. iii. p. 277. 'Ossa, non pur aride, ma fetenti—le Università.'

Anomalous position of this school.

And yet it is just the most famous literary productions, published during this struggle, that show in the clearest light the anomalous and hybrid character of this German Catholic theology. The book 'The Pope and the Council,' by Janus, is one of the most eloquent and at the same time most unanswerable bills of indictment against the Papacy that any age has produced, and yet it has not the courage openly to break with an institution which has brought about the evils it exposes. It strips that institution of every legitimate pretension to divine origin; it points out its insignificance in the ancient Church; it lays bare the frauds and falsifications of the middle ages; and what is the result? The corruptions of Jesuitism and the unacceptableness of papal infallibility. Could the author or authors really believe that they still stood on Roman Catholic ground?

The case is the same with Schulte's famous work,

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[1] See also the Declaration of the Nuremberg meeting, at which Döllinger was present. ('Catholicism and the Vatican,' by J. Lowry Whittle. 1872, p. 32 *sqq.*)

'The Councils, the Popes, and the Bishops,' which appeared shortly after the Vatican Council,—a book of the most massive erudition, but full of contradictions and obscurity. The author divides the history of the Church into two parts: on the one side stands the 'Ancient Church,' reaching up to the eighth œcumenical council of Constantinople, in 869, and whose decrees are regarded as valid: on the other side stands the 'Church of the Middle Ages,' resting on the false foundations of the pseudo-Isidorian decretals, and whose authority is rejected and ignored. The Tridentine decrees are only quoted so far as they tell against those of the Vatican Council. An arbitrary division of this kind is contradicted by all the laws of historical continuity. It is impossible to accept even the theory, that the Church preserved her apostolic origin in unsullied purity throughout the first three centuries. It is still more baseless to date her decay from pseudo-Isidore, who marks only the summit in the range of that policy which the Curia had already been pursuing for a century. But, apart from these objections, the chronological division adopted by Schulte militates directly against the principles of the Catholic Church, which stands or falls with the supposition of a continuity extending through all succession of time. To contest something which hitherto has been considered an article of faith, is uncatholic; for it is to renounce, in other words, the infallible authority of Church teaching.

Illogical attitude of Schulte.

With regard, now, to the dogmatic constitution of July 18, 1870, Schulte declares it to be both in substance and in form invalid;—in substance, because it contradicts Scripture and tradition;—in form, because the Council was neither œcumenical nor free. It seems obvious, however, that as regards the Catholic Church, only the *formal* validity of that dogma can come in question; for

His arguments against the dogma of Infallibility.

a legislative power, which has no superior authority to control it, is sovereign within its own domain, and its decrees are unconditionally valid so long as they touch not on anything naturally impossible. Such is the meaning of the English saying, that 'Parliament can do everything but make a woman into a man.' If to-morrow the Houses of Lords and Commons were to pass a bill, with the assent of the Crown, to abolish the Magna Charta and to introduce the Inquisition, that would no doubt be a very unreasonable law and one contrary to the British Constitution. But it would none the less be a law judicially binding on all subjects of the realm;—unconstitutional, but legally binding, as one would say in English legal phraseology. The question, therefore, of *substantial* invalidity is limited to cases where something actually impossible is resolved upon. Now, as regards the legislative power in the Catholic Church, it was a maxim uncontested up to 1870, that only the Pope and Council *together* could pronounce a dogmatic decision on articles of faith; just as, to pursue the parallel, the civil constitutions of England and of Prussia require that only the Crown and both houses of the legislature united can make a statute of the realm. It is perfectly correct, though from a legal aspect unimportant, to affirm, as Schulte does, that in the ancient Church the councils alone established the faith; and the reason is plain; for the Roman primate at that time did not exist, and therefore possessed no importance. But it is equally certain that for more than a thousand years the consent of the pope has been indispensable; no more striking proof of this can be given than the failure of the Councils of Constance and Basle, which sought to revive in that respect the practice of the ancient Church. Nor, again, is it enough to say that, whereas at Trent, the decrees were published in the name of the council and confirmed by the pope, the contrary happened at the Vatican. All that this proves is, that in the sixteenth century the council was still the stronger power of the two, and that the pope is again the stronger in the nineteenth, as he had been in the twelfth. The sole fact of importance is this, that the concurrence of the two powers is now, as it has always been, a necessity; and since this concurrence has taken place, as regards the constitution of infallibility, one should conclude that it became thenceforth a dogma just as valid and incontestable as that of the Immaculate Conception by the pope alone was one-sided and invalid, and such, therefore, as no Catholic need hold to be binding on his conscience.

His demurrer to the Council as incompetent.

But, again, Schulte maintains the constitution of 1870 to be invalid, on the ground that the Council was neither œcumenical nor free. Here the question, however, arises, Who is to decide on this matter? Assuredly not private divines,[1] however learned, who, *after* the Council had pronounced the decision they contested, demurred in general to its authority. Very possibly, the governments, had they been represented as formerly, would have been able to prevent some resolutions; but as their envoys were not present and they chose rather to announce that the Council should enjoy full freedom upon the territory of the Church, the Council had only to come to terms with the pope: it alone, therefore, was in a position to judge whether it was œcumenical itself and possessed the necessary freedom of deliberation. That the Opposition did not protest by their secession against the restriction of its freedom, as well as against the whole proceedings of the pope, and thereby deprive at once the assembly of its œcumenical character, was an act of moral cowardice and a great blunder, but it could invalidate no resolution of the Council. That could only be done, if the latter were to meet again and rescind its former decrees with the consent of the pope—an event, indeed, which is hardly within the range of contemplation. It is the same in this matter as in the sphere of civil politics. It is well known, for example, that Walpole obtained a majority for his most important laws by bribing members of parliament. Unquestionably, the parliament is always entitled to repeal a law so made; for the power which has made a statute can also unmake it. But what would be said if, without the law in question having been repealed, a lawyer should treat it as inconsistent with right, on the ground that it had been passed by means of bribery? Or what would a government, which had concluded a treaty of extradition with France under Napoleon III., have answered, if it had occurred to M. Thiers to declare that agreement to be invalid, on the ground that an assembly of mere creatures of the Emperor, such as the *Corps Législatif* at that time had been, was no freely consenting representative body?

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[1] The synodal representation of Old Catholics declared in 1864 that it was a 'calumny' to accuse them, as was done by the German bishops in their pastorals, of conceding the decision in matters of faith to the private judgment of individuals.

His plea inconsistent with Catholic membership.

Nor, indeed, is there any better ground for this *ex post facto* attack on the validity of the constitution of July 18, 1870, in the standpoint of formal legality, on which alone it depends. He who declares a decree of the highest authority of the Catholic Church to be contradictory to reason, history, and his own conscience, must first retire from the communion of that Church before he can justify his position; just as a citizen who declares a new civil statute to be intolerable has nothing left to him but to emigrate.

But apart from these crucial objections to Schulte's argument, his pleas in themselves seem devoid of foundation. It cannot but strike one as strange, even at first sight, to find the œcumenicity of the Vatican Council disputed, when certainly ever since the fourth Lateran Council in 1215, the world has hardly witnessed such a gathering of the representatives of collective Catholicism. The disproportion between the numerical weight of the bishops and the importance of their dioceses has already been exposed;[1] but that circumstance cannot affect the validity of the decrees, since, according to the existing law of the Church, all bishops in Council are equal among themselves. Consequently, those bishops even who have no dioceses at all—*in partibus infidelium*, as the phrase is—enjoy an equality of position with those who exercise a locally appointed jurisdiction. At a General Council the episcopate appear as the universal organ of the Church; and their qualification consists in the episcopal consecration transmitted in apostolic succession. When Schulte objects, that in the ancient Church the bishops appeared at the Council simply as witnesses of the faith in their respective dioceses, he is just as accurate, no doubt, as when he says that they were then elected by the people and the clergy. But his objection leads to nothing, for that right, which was enjoyed by the ancient Church, is of little practical avail to her at present—no more, indeed, than the old *lex Bajuvariorum* would be for the Bavarians of the nineteenth century. The titular bishops, however vicious their origin as an institution, enjoy an equal right of voting with the other bishops at Church councils; nay, they formed the very element, whereby the œcumenicity of so many of those councils was established; and the case was the same with the cardinals, generals of the orders, and abbots, who never received consecration from a bishop. Finally, least of all can any rational objection to the legal constitution of the Council be founded on the absence of the ambassadors of the civil powers.

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[1] See *ante*, p. 317.

Such a representation, if customary in earlier times, is not indispensable; to say nothing of the fact that the powers themselves did not desire it in this instance, and that France alone, and then only at the eleventh hour, demanded it.

That the Curia sought every device to restrict the freedom of the Council is certainly not to be disputed; but it is equally certain that this restraint had not gone so far as to take from the minority the possibility of coming to a free resolution. Had the opposition, under the plea of coercion, seceded with a protest from the Council, and placed themselves under the protection of the ambassadors of State, no one would have ventured to molest them. But they have no reason to complain of the consequences of this omission, for *volenti non fit injuria.* And were then the earlier Councils, whose authority is undisputed, in reality free? Was the council of Nicæa free, where Constantine dictated from behind the scenes their resolutions to the bishops? Can the minority of 1870 accuse the Vatican assembly of disorders like those which disgraced the first Council of Ephesus; or can they pretend that Pius IX. interfered as actively as did Theodosius at Byzantium in 381? Was the fourth Lateran Council free, where no one ventured to dispute the decrees of Pope Innocent? Was the famous Council of Trent really free? No one who has read what Sarpi, Ranke, or even 'Janus'[1] have recorded of that Council will maintain that such was the case.

Argument derived from Scripture and tradition.

Nor less untenable is the objection—if indeed the pretext can be entertained at all—that the dogma of infallibility is invalid, because it contradicts Scripture and tradition. Are then the dogmas of absolution, purgatory, and the worship of images and relics conformable with Scripture? And yet the Council of Trent confirmed these all anew. As for tradition, the question comes to this—what meaning or interpretation is to be attached to an idea so vague and elastic? Measured by the proposition of Vincentius of Lerinum (434),[1] as quoted by Schulte, that that only is truly Catholic which 'is believed everywhere, always, and by all,' scarcely one of the specific Catholic dogmas will stand the proof. Were indeed, if we come to the second century, transubstantiation, auricular confession, and the seven sacraments believed in 'everywhere and by all'? Nor has this principle of the 'Old Catholic Church,' which presupposes that the episcopate, assembled in council, were only witnesses of the faith of their dioceses, ever since prevailed in the dogmatic definitions, which for the most part were the consequence of violent struggles. If, on the other hand, one accepts tradition in the much more rational and genetic sense of Möhler, namely, as a gradual development of the doctrine as delivered by the mouth of the Apostles; it is clear that it requires a verifying authority, authentically to declare what the substance of tradition really is. The Council of Trent, therefore, was perfectly logical when, perceiving that it was impossible to vanquish Protestantism by Scripture, it made tradition of co-ordinate authority with Scripture. The essence of true tradition is not determined by historical research, but by the doctrinal office of the Church; and this collateral thesis is the fundamental one, namely, that tradition is nothing but the infallible doctrinal office of the Church, which interprets alike Scripture and tradition, and establishes doubtful doctrines, especially through the union of her members in Council together with the pope.

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[1] P. 388 *sqq.*

The Old Catholics, by striving to maintain tradition and yet clinging to the definition of Vincentius of Lerinum, argue in a circle, as, indeed, their Bonn Catechism of 1875 suffices to show.[1] Whoever rejects the infallible doctrinal office of the Church no longer stands upon the ground of Catholic membership.[2]

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[1] Proof 298. 'Quod ubique, quod semper, quod ab omnibus creditum est. Hoc est etenim vere proprieque Catholicum.'

At the Vatican assembly pope and council have spoken authentically. The last token and memorial of the validity of their decision, namely, its formal acknowledgment by the Church, has been given, since the collective episcopate submitted to the new dogma.[3] That dogma, therefore, must be regarded as an integral part of the orthodox Catholic faith. To assert, as the Old Catholics assert, that the true Catholic doctrine demands its repudiation, since the official Church had identified herself with the Ultramontane party, is vain sophistry, for properly there is no Catholic Church but the Roman and the Greek. They began by declaring, at the first Old Catholic Congress at Munich[1] (September 22–24, 1871), that they held fast to the 'Old Catholic creed as attested in Scripture and tradition,' to the Old worship, and the Old constitution of the Church, and to the Tridentine decrees, which, to say the least, are somewhat obscurely worded. They recognised not only the 'divinely-constituted hierarchy of bishops, priests, and deacons,' but the 'primacy of the Bishop of Rome, as it was acknowledged, on the authority of Scripture (?), by Fathers and Councils in the old undivided Christian Church.' What the Old Catholic faith and constitution consisted of was not indeed defined: what was expressly rejected were the Vatican dogmas of the Infallibility of the Pope, and of his ordinary and immediate episcopal jurisdiction.[2] They

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[1] Art. 211–13. 'By tradition we understand the doctrines of faith delivered by the Apostles, and propagated therefore throughout the Church, without interruption, from one generation to another. Tradition is to be found in the writings of the teachers of the Church since the times of the Apostles, and in the consentaneous faith of the collective Church. Those doctrines alone belong to the deliverance of the Apostles on which the teachers of the Church agree.' Art. 215. 'A Council decides truly about matters of faith, if the decision agrees with Scripture and tradition, *i.e.*, the general faith of the whole Church.' And then it is asked, What is to be done if a Council has given a dogmatic definition in contradiction with the general creed of the whole Church? In that case the Church, *i.e.*, the community of the faithful, is bound to reject such a decision. But the Catechism does not answer the question, how it can be discovered whether such a decision agrees with the general belief of the Church or not.

[2] Schulte ('System,' p. 100) declares, 'The foundation of the Church involves of necessity the establishment by Christ of a special class gifted with infallibility by the inspiration of the Holy Ghost.'

[3] Care has cleverly been taken not to press too urgently the leading members of the opposition. The most dangerous of them, Archbishop Darboy, fell a victim, unfortunately, to the Communists at Paris. From the Hungarian bishops the Vatican was content with a tacit acquiescence. Strossmayer, up to this day, has neither recanted nor published the decrees in his diocese; but he is allowed to do as he likes, as he does not openly revolt against them. The German bishops, including Hefele, have collectively recorded their submission, and caused the dogma to be acknowledged in their dioceses. It is absurd, however, to attack them for this; the reproach which they really deserve is their desertion of their colours at the Council. When once the latter had spoken, submission became simply a Catholic duty. 'Their bad

First Old Catholic Congress at Munich, 1871.

Declaration of Old Catholic confession.

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conscience only was shown by their declaring that the Council had defined the Infallibility of the Pope to extend merely to such limits as were preserved by the faith and practice of the Church—a statement to which their opposition at the Council gave the lie.

[1] The English reader will find a full account of the proceedings of this Congress in Whittle's 'Catholicism and the Vatican,' 1872. [Tr.]

[2] 'From the point of view of the confession of faith contained in the Tridentine Creed, we repudiate the dogmas introduced under the pontificate of Pius IX., in contradiction to the doctrine of the Church, and to the principles continuously followed since the Council of Jerusalem, especially the dogmas of the Pope's infallible teaching, and of his supreme episcopal and immediate jurisdiction.'—Art. I. in 'Stenogr. Bericht über die Verhandlungen des Katholischen Congresses, München,' 1871, p. 221. Professor Huber, who, as a member of the Drafting Committee, introduced the Declaration, pointed out that the repudiation of newly-fabricated dogmas applied to the dogma of the

declared further, that 'a council, which was not, as the Vatican Council was, deficient in the actual external conditions of œcumenicity, but which, in the general sentiment of its members, exhibited a disregard of the fundamental principles and of the past history of the Church, could not issue decrees binding upon the consciences of the members of the Church.' But it was not stated who was to decide whether this was the case or not. As the conference, however, proceeded, those who took their stand on adherence to antiquity fell gradually into the background.

Second Congress at Cologne, 1872.

At the second Old Catholic Congress at Cologne (September 20–22, 1872), the position taken up at Munich was still formally adhered to. Professor Maassen, for example, declared, 'The basis of our agreement is the Church as she stood up to July 18, 1870. If we forsake that, we substitute arbitrary opinions for law; we become sectarians, feeble and careless of genuine reform.' On the other hand, at the Union Conference at Bonn, in 1874, Döllinger declared, 'With regard to the Council of Trent, I believe I can say, in the name of my colleagues, that we hold ourselves in no way bound by all the decrees of that Council, which cannot be regarded as an œcumenical one.'[1] Here at once was a formal separation from the Dutch Old Catholics, whom they had welcomed as fellow-brethren in belief at Munich, but whose bishops subscribe to the Tridentine Confession, as a certificate of their orthodoxy, and send that certificate to Rome.

The Old Catholics now seek to vindicate their Catholicism by insisting on reverting to the ancient Church, which embraces only the period before the schism of the East. But even this position is not fully adhered to; for at the Congress at Cologne in 1872, when a proposal to

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Immaculate Conception. Art. III. provided for the admission of the Catholic laity to a 'constitutionally-regulated participation' in Church business.

[1] Official Report, p. 8.

that effect was advocated,[1] Schulte, who was President, expressly declared, 'Not all, what we believe; not all, what we hold to, is defined in the first seven œcumenical councils. On the contrary, since the separation of the East and West, much has been formulated which, according to our inmost conviction, is true, and which must be carefully distinguished from the false.'

Chimerical hopes of a reunited Christendom.

All this does not bode well for the hopes of a reunion with the Eastern Church, to be followed by a union of all Christendom, which Döllinger fondly hopes from the future. And there are other reasons which lead us to regard this hope as somewhat chimerical. His explanation of the origin and progress of the difference respecting the famous *Filioque* clause, in a speech delivered in 1875 at the assembly at Bonn, can be accepted as unexceptionable. The six theses of John of Damascus, comprising the doctrine of the Holy Ghost, give essentially the doctrine of the Greek Church, which never denied that the Holy Spirit, in His earthly manifestation, proceeded and still proceeds through the Son to the faithful; the Greek Church only maintained that in the Divinity everything was to be traced to one common cause (αἰτία), and impugned the right of the pope to make additions to, or changes in, the old symbols. But if the origin of the schism was one of dogma, this does not exhaust the present grounds of difference. The Greek Church was, already at the moment of its separation, widely divided from the Roman Catholic. Language, theology, and particularly the government of the Church under the rising supremacy of the Roman bishop, formed a strong antithesis to the Eastern Church, which seceded upon the doctrine of the first seven councils, establishing, after so many struggles, the orthodox faith. The Greek Church henceforth remained stationary in respect of dogma; while Rome turned to the West, and therewith to a new phase of development. It was this difference, permeating the whole individuality of the two Churches, that frustrated all attempts at reunion; and Döllinger, in his efforts to reconcile them, will have no better success than had the Synods of Lyons and Florence, or the Lutherans of Tübingen (1574–1581). It is impossible to reconcile differences which have grown up for centuries by going back to the root from which they sprang. You cannot bring the Church of the nineteenth century to the level of the Church in the second, any more than a man of sixty can go back to the views of a man of twenty. The same remarks apply to the Anglican Ritualists, who by leaning on the Old Catholics would fain emerge from their isolation. The union of the different branches of the Eastern Church and of the Ritualists and Old Catholics is a vain chimæra, if only for this reason, that their doctrines of Church government are irreconcilable. Imagine the Russian Synod, which in fact is the Czar in disguise, pretending to govern the new community in Germany and Switzerland!

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[1] The proposal to specify that period as the basis of reform and reunion was suggested by the Russian arch-priest, and strongly supported by Michaud; but overruled by a large majority. [Tr.]

Proper principles of reunion.

The truth is, that, as Professor Huber, of Munich, expressed it, the real foundations of union are still to be secured by 'a grand historical process of revision.' It is all the more strange, however, that the accomplishment of this should be delayed, since the party counts as its leaders the foremost champions of the hitherto Catholic theology of Germany, who, at least, after four years of consideration, should have arrived at some clear conception of what is to be regarded as the tenable basis of reform. But if these theologians think to win the masses by such a seemingly prudent policy of reticence and reservation, as for instance, by retaining, with only slight modifications, the old forms of public worship, they will much deceive themselves; for the whole history of religion shows that nothing but a bold and manly energy of confession and practice, indifferent of consequences and rejoicing in the faith, can ever work upon the popular mind. For the indifferent members of the Catholic Church, who inwardly feel no need of any Church at all, it is far more convenient to remain, outwardly speaking, in the pale of the old communion, and now and then, for the sake of peace and comfort, to take part with others in the received forms, than to join in the battle and trouble themselves about things which leave them inwardly devoid of interest and cold. But the great mass of the clergy and the laity stand, as indeed from their education they must, within the Ultramontane camp. Hence the instability and vacillation of the Old Catholic leaders, who alter their tone, according as reforming or conservative tendencies prevail. Hence their fraternisation with foreign communities of every kind, and their compromising alliance with those who welcome any form of resistance to Rome.

Question of an Old Catholic bishop.

With their Church constitution, it is true, the Old Catholics have something more tangible to show; but even this suffers from the policy of contradiction and half-measures which characterises the whole movement. The first great difficulty was to get a bishop. In the two cases of the Arians and the Jansenists, a portion of the organised Church renounced obedience to the Roman See; bishops with their communities separated themselves from the former general communion; but, with the exception of the relations with the Primate, they preserved their ecclesiastical *status*; the authority of their bishops, both in doctrine and jurisdiction, remained unshaken. But not a single bishop sided with the Old Catholics. They were simply individuals who rejected the authority of the organs of the Church, as hitherto constituted, because they believed their decision to be wrong. This was, in fact, adopting the Protestant principle, with the exception that they did not accept the sufficiency of Scripture or Justification by Faith, but maintained, in a vague manner, tradition and the hierarchy. This involved the necessity of getting a bishop, ordained and consecrated by another in possession of the Apostolical gift, which is transmitted by the laying on of hands. In order to obtain this they applied to the Jansenist archbishop of Utrecht, who, on their assurance that they maintained the *symbolum fidei* as prescribed by Pius IV. after the Council of Trent, consented to consecrate Bishop Reinkens,[1] after his election by the self-styled Synod at Cologne (June 4, 1873).

Consecration of bishop Reinkens. Aug. 12, 1873.

Archbishop Loos having died the day of the election, the bishop of Deventer performed the consecration at Rotterdam (August 12). It will be asked, why did not the Old Catholics simply join the Church of Utrecht? The answer is, that their object was not communion of faith and doctrine with that Church, but merely to get a bishop duly consecrated according to Catholic principles. But although they achieved this object, it is clear that the position of this episcopal head is totally different from that of the Dutch archbishop. Dr. Reinkens is not the successor of another bishop: his diocese has no historical nor territorial existence; his powers are not those defined by the Council of Trent; his creed differs from that of the Church of Utrecht, and has still to be defined by the representative organs of the new community. No continuity, therefore, exists between the latter and Catholicism as it stood before the Vatican Council. Stranger still were the proceedings at the election of the new bishop. It was declared that he was to be elected by a synod, so long as the formerly legally elected bishop and chapters, who by accepting the Vatican decrees had become apostates, refused to revert to the true Catholic principles, to be defined at a new and really Œcumenical Council; and he was solemnly forbidden, until this should come to pass, to enter into any relations with those members of the hierarchy. On the one side, it was acknowledged that the bishops elected before the Vatican decrees must be considered as legally instituted; on the other, full episcopal authority was claimed for the new bishop, elected in a way which was in open contradiction to that prescribed by the Catholic Church. The Church has excommunicated the Old Catholics: the latter reply by forbidding their bishop all communion with it, until it has publicly recanted its errors, just as if the Roman hierarchy cared to establish such communion. A minority, consisting of a few thousands, challenges the whole official Catholic Church—as if it were likely that the latter would be converted to the true principles as maintained by that minority—and at the same time claims all the prerogatives of the hierarchy whom it repudiates.

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[1] Dr. Reinkens was previously professor of ecclesiastical history at Breslau, where he was on intimate terms with the prince-bishop Förster. He is the author of a treatise on 'Papal Infallibility,' published in 1870, and of another, entitled 'Die Päpstlichen Dekrete,' which appeared after the Vatican Council. He took the oath of allegiance required by the Constitution on October 7, 1873, in the presence of the Minister. The oath was altered for this occasion, adhering as closely as possible to the old form, but prescribing unqualified obedience to the laws of the State.

Anomalies of his election.

At their first synod, assembled at Bonn (May 27–29, 1874), under the presidency of Bishop Reinkens, the Old Catholics established their new constitution by adopting *en bloc* the synodal and parochial organisation provisionally approved by the congress at Constance in the previous autumn.[1] It rests upon representative and democratic principles. The members of each local community consist

Constitution of the Old Catholic Church.

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[1] 'Beschlüsse der ersten Synode der Altkatholiken des Deutschen Reiches,' third edition. Bonn, 1875.

of all inhabitants of a parish who profess the Catholic—that is, the Old Catholic—religion, and have notified their profession to the leaders of the local committee of Church management (*Kirchen-vorstand*) (Art. XXXVI.). The latter, which consists of the pastor and a number of laymen, is elected by the majority of the congregation in meeting assembled, in whose proceedings all male adult members, in the enjoyment of the rights of citizenship, are entitled to take part. The congregation, in like manner, elects the curate, as well as the delegates to the synod, the majority of which elects the bishop and the synodal council that assists him—composed of four clerics and five laymen, at whose meetings he presides, and has a casting vote. The synod consists of the bishop and his council, all the clergy officiating under his jurisdiction, and one delegate from each congregation of not less than one hundred or more than two hundred members, larger congregations or parishes having the right to send one delegate for every two hundred qualified adults.

The Old Catholic Church constitution not Catholic.

Now waiving all discussion as to the intrinsic merits of this constitution, one thing is evident, that it is not Catholic. The Catholic Church is essentially a constitutional one. A man is a Catholic, not, like a member of Protestant communities, by accepting a certain number of dogmas, but by belonging to a clearly defined and visibly constituted organisation; by acknowledging its offices; by receiving from its hands the sacraments as well as the doctrine of the Church; and by obeying what the Church through its lawful organs ordains. Nobody is more explicit on this point than Schulte himself in his earlier writings. 'The Church,' he says,[1] 'has a definite organisation, based on the fundamental difference that exists between the hierarchy and the laity; the former teaches and leads, the latter hears and obeys. The institution of the hierarchy is Divine; it forms the necessary groundwork of the Church.' And again: 'By Divine dispensation, only the pope and the bishops are called to the government of the Church; the other members of the hierarchy are subjected to them. The constitution of the hierarchy proceeds from above downwards, beginning with the summit of the pyramid. Such a sequence is the more necessary, as it is the only one that corresponds with the history and essence of the Church. Our Lord has not instituted Christian communities and curates, on which to build the Church, by constituting afterwards the episcopate and the primate; but even before He definitely called the Apostles to preach the Gospel to the whole world, He had instituted a chief in the person of Peter, to whom He subjected the other Apostles. Without the pope, there is no Church.'[1] As the first and last link of the hierarchical chain, the centre in which all power of the priestly order, of the doctrinal office, and of jurisdiction resides, and the source from which it emanates again, stands the primacy of the Roman bishop, instituted by the founder of the Church, and resting on immediate succession to the Apostolic office of Peter.[2] It is clear, therefore, that the above-mentioned constitution of the Old Catholics is in flat contradiction to Catholic principles. It rests on the Protestant principle, which constructs the visible Church on the community of believers, while the Old Catholics lack that which is essential for all Protestant confessions; namely, a well-defined symbol or creed. Their doctrinal unity was, from the beginning, negative —the struggle against Rome. They began by rejecting only the Vatican decrees of July 18, 1870; when excommunicated, they denied the jurisdiction of the existing Church; and finally they subjected the whole Catholic

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[1] 'Lehre von den Quellen des Katholischen Kirchenrechts.' Giessen, 1860; p. 7.

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[1] 'System,' p. 85.

[2] *Ibid.* p. 178.

Divisions among the Old Catholics.

doctrine and discipline to a shifting process, which has not yet ended in any clear result. They now wish to re-establish the principles of primitive Christianity; but they are divided amongst themselves as to how they should go back to discover them. The conservative section would fain preserve as much as possible of ancient dogma; the more advanced party go back to the first three centuries; and there are others who, even in that period, find symptoms of decay. It is evident that on such various principles no lasting religious community can be built. Practically, therefore, the whole movement must be regarded as a failure: it is not made to find its way to the hearts of the people, who care nothing about the patristic quibbles in which Old Catholicism so largely deals. After four years of active agitation, and with all the support of governments and liberal politicians, the official synodal report of the Bonn meeting in 1875 only gave a total of 47,737 members,[1] representing 100 congregations, among whom were 15,006 adult males, and 54 clergymen; numbers which, as opposed to the fifteen millions of Roman Catholics, prove the impotence of the whole movement. It shows, in fact, a staff without an army. Truly does Renan say in his essay already quoted, 'This small Church comprises among its members several professors, doctors of divinity, priests, and persons of the upper-middle class; but the mass of the people do not join it, and a Church can have no real existence unless it is supported by the masses. I see in this new Church many pastors, but a small flock; much knowledge of the canon law, but few christenings, few burials, few marriages: and what is a Church that does not christen, bury, or marry?'

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[1] Of these Prussia contained 18,765, and 22 priests. According to the Report of the Synod, as quoted in the 'Times' of June 1876, this number has actually decreased to 17,203. [Tr.]

The movement no Reformation.

It is idle, therefore, to speak of Old Catholicism as a New Reformation,[1] while in it the necessary conditions of a successful reformation in Church doctrine and discipline have always been wanting. The Reformation would never have succeeded had it simply protested against existing abuses Its real force lay in the positive evangelical teaching in which the Old Catholics are lacking. This is the reason also why the movement has not brought to the front any men of real eminence. A reformation presupposes reformers, men who embody in their persons new ideas, and are able to act with decisive influence on wide circles of society. Second-class men, however learned and respectable, can never become religious reformers. It might be considered unfair to measure the Old Catholic leaders by the standard of a Luther or a Calvin ; but they can scarcely object to be compared with Gerson, Cardinal d'Allemand, or the chiefs of Port Royal. And what has become of the reforming aspirations of these men? Even the movement commenced in Italy fifteen years ago by Liverani, Perfetti, Passaglia, and their associates, was more calculated to rouse popular sympathy; yet those efforts ended in total failure.

We may entertain personal sympathy and respect for men who felt themselves compelled by the Saturnalia of Ultramontanism to break—certainly not until after a severe inward struggle — with their own past. Their revolt was a protest of the irresistible religious conscience; and we are far from comparing their aspirations with those of shallow demagogues like Ronge and his associates. On the contrary, they were mostly earnest and religious men, who at the beginning took the position of opposing fathers at the Council. We must admit, further, that they were pushed to extremities by many of the German bishops, who were endeavouring to make Rome forget their former opposition by an exuberant zeal for the new dogma. The archbishop of Cologne, for instance, demanded from the professors of theology at Bonn the declaration not only to abstain from teaching anything contrary to the Vatican decrees, but to declare them to be right 'sincero corde.' This was asking more than the decrees themselves demanded, which only say, 'Si quis contradixerit, anathema sit,' not 'Si quis non crediderit.' Nevertheless, all this cannot blind us to the fact that their position is untenable. If they could not make up their minds to become Protestants—as in fact the Ultramontanes call them—the only thing left to them was a passive protest, accepting the ecclesiastical censures, without erecting new altars. So in fact did Döllinger, who warned his fellow-countrymen against forming a new Church. The leaders, who heeded not his advice, are few in numbers. They form a little band of men, gifted with warm hearts, aspiring to a refined culture; of a mild way of thinking, but with more or less confused ideas. Strong enthusiasm, an iron will, and inexorable consistency of purpose: these are the qualities which, so far as the records of history extend, have always been the foundation of lasting dominion over mankind: among the men of the Old Catholic movement they are not to be found. They have nothing to oppose to the passionate agitation that forced the masses to follow the heriban of Jesuitism, except a culture which is not understood, and a frame of mind which is not shared in. The 'Times' was, therefore, right in saying, on the occasion of the Union Conference at Bonn in August 1875, that the mass of the people cannot see what the Old Catholics are fighting about, and that the whole fight, indeed, is what the Reformation was not—a 'dispute in the study.'[1]

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[1] 'The New Reformation.' A Narrative of the Old Catholic Movement from 1870 to the Present Time. With a historical introduction by 'Theodorus.' London, 1875.

Untenable nature of their position.

State protection of the Old Catholics.

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[1] 'Times,' August 16, 1875.

What the Old Catholics lack in internal strength they have endeavoured to supply by means of State protection. The governments who were anxious to combat the Roman Church, believed that they could make good use of a party which pretended to be the true, Old Catholic Church, and yet opposed to the organisation of the official Church a new one of their own construction. This seemed to offer the possibility of a policy which, without attacking Catholicism in principle, purported to maintain its Catholic character, while tending to bring it more into harmony with the interests of the State. Nor did the Old Catholics hesitate to accept the proffered alliance. They preached implicit obedience to the government, and made that obedience the condition of office in their community. By so doing, however, they were looked upon with suspicion by true Catholics, as subservient instruments of the governments; while the latter must have seen by this time that, if they ever believed the movement would spread to the masses, so that in the eyes of the State the term Catholic would change its meaning, and be applicable to the anti-infallibilists, thus converting the Ultramontanes into mere dissidents, they have been egregiously mistaken.

False policy of the government in Prussia.

But, apart from this, the governments have taken up a wholly untenable position, in recognising and accepting the Old Catholics as members of the Catholic Church, as if the question was only a domestic quarrel within one religious community. It was not easy, indeed, as we have shown, to contest the formal validity of the Vatican decrees. But the dispute has long since outgrown that issue; and no unprejudiced person can deny that it is now no longer two groups in the same religious community, but two distinct Churches which stand opposed to each other, with aims and objects wholly separate and contradictory. The State might endow the Old Catholic communities; it might even, where their members were sufficiently numerous, admit them to a share of the Church property; but political reasons, which moreover were miscalculated, should have deterred it from adopting the contradictory course of treating the Old Catholics, on the one side, as a new organisation, and, on the other, as members of the old Church. Only from the first of these two points of view was it possible legally to recognise any Old Catholic bishop; for, as regards the official Church, the boundaries of the collective German bishoprics are determined by an agreement with the Roman See, which has never been cancelled. There is no room, therefore, for a new bishopric, floating indistinctly, so to speak, over the heads of the existing ones; and the alleged analogy of the Prussian military bishop is inconclusive, for he obtained by formal agreement with the pope, just like the other bishops, a fixed and settled territory of jurisdiction, together with his charge of souls for the Catholic soldiers in the army.[1]

Conduct of Bavaria.

In Bavaria, meanwhile, the question of Bishop Reinkens' official recognition was referred to a commission of five jurists, who decided that the admission of a new Catholic bishop was legally impossible, on the ground that the articles of the Concordat, which regulate the organisation of the Catholic Church in Bavaria (Art. II.–V.), define once for all the episcopal dioceses, and are in no way modified by the Edict on Religion, are consequently binding. On the other hand, the government acted with strict justice in repelling the objections raised by the archbishop of Munich to the confirmation visit of Archbishop Loos of Utrecht (July 1872), since the activity of the latter was limited to the members of his particular confession. With regard to the circumscription of dioceses, however, the relations in Prussia and the States of the Upper Rhenish Church province are exactly the same as in Bavaria.

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[1] The contradictions in which one is landed by taking up the opposite standpoint are shown plainly by the Old Catholic law of Baden. In Art. I. the Old Catholics are recognised as members of the Catholic Church, entitled to full rights in her communion; and yet Art. II. goes on to suspend the jurisdiction exercised over them by their former ecclesiastical superiors. Art. I. secured to them the full possession of their benefices; but it is not stated whether, if the priest alone is Old Catholic, and the community remained infallibilist, the latter are to appoint a new minister at their own expense. In point of fact, everything is left to the pleasure of the government, whose consent is requisite for the formation of every Old Catholic community, but is not to be refused 'so soon as a *considerable number* of Old Catholics, in proportion to their fellow-parishioners, are found to exist.' But what is a 'considerable number'? The confused policy of the government is shown by the phraseology of their statute, which plainly signifies that this proportion is not measured by any fixed rule. The Prussian law of July ', 1875, regulating the position of the Old Catholics, is founded on the same principles

And yet the Bavarian Minister of Public Worship, von Lutz, in recognising after some reluctance the Old Catholics as true Catholics, and entitled to all the rights and privileges of that Church in Bavaria,[1] took up an ill-defined position. The only logical position—though certainly a false one—is that adopted by some of the Swiss cantons, who declared that the Old Catholics alone represented the true Church, and acknowledged them alone as entitled to its privileges, whilst the infallibilists were treated as dissidents.

Probable future of the movement.

Unless every element of calculation deceives us, the movement has already overstepped its highest point. It numbers different fractions which are in no way at unity among each other. Doctrinal innovations, such as were proposed at the Bonn Synod of 1874, are manifestly inconsistent—if, indeed, the repudiation of the Vatican dogma is not—with that profession of an organic connection with the Catholic Church, on which the Old Catholics based their claim to retain her spiritual and temporal privileges. In Switzerland the practice of clerical celibacy has been abolished; and the question of episcopacy, so warmly debated at Berne in 1874, has only recently been settled by the election and consecration of a bishop by Dr. Reinkens, the ceremony being denounced by the infallibilist Swiss bishops as sacrilegious. On the other hand, the so-called State Catholics in Germany, in their manifesto, which was intended simply to declare their political adherence to the German Empire, expressly disavowed any efforts for religious reform. The Old Catholics will ultimately have to choose between returning to the bosom of the Church, and forming an alliance with positive Protestants, or perhaps establishing a sect like the Jansenists, the episcopalians at Utrecht, etc., which may continue a while longer, but will continue to be insignificant.

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[1] The priests of Kiefersfelden, Mering, and Tuntenhausen, who rejected infallibility, were maintained in their livings, on appeal to the Government, on the ground that the Crown institutes to all temporalities, and ecclesiastical censure involves no deprivation if the priest can show that he has not violated the Concordat.

Altered relations between Catholicism and the State.

Dismissing, however, the Old Catholics, quite another question arises, when we come to consider what policy the different governments should adopt with regard to the results of the Vatican Council; for the State, as a lay power, occupies certain relations towards all ordinances of faith, from whatever religious body they emanate. On the one hand, while not free to interfere in the internal life of the Church, it is unquestionably entitled to forbid that, under the form perhaps of dogmas, any principles should be propagated which endanger the public welfare or contravene the civil law. On the other hand, it is to be remembered that although, in almost every country, Catholicism exists not merely as a free, but as a specially privileged religious community, still the government has granted to it those privileges on the supposition of a definite organisation. Any change, therefore, in that organisation gives the State an indisputable right to consider how far that change affects its relations towards the privileged Catholic Church. And it cannot be doubted that such was the case with regard to the Vatican decrees. It may freely be admitted that these decrees form only the point and pinnacle of a system, and introduced no extraordinary novelty for the Church or for the State; and that episcopacy had long been robbed of its roots, and the pope made absolute in the Church. Yet, for all that, it made a vast difference in point of law, when the remnants of episcopal independence were now formally and solemnly extinguished by the Council. The relatively independent position, which the bishops had hitherto maintained, and which gave to them a distinct sphere for the exercise of their official authority, was absorbed by the 'Plenitudo potestatis super omnes alias ecclesias,' and the truly episcopal jurisdiction ascribed to the Pope by the Council. Thus, for example, the co-operation, hitherto enjoyed by the State in the appointment of bishops, was virtually reduced to a nullity. If the sovereign hesitate to confirm the nomination of a bishop, on the ground that he is personally objectionable, the pope can simply commission any ecclesiastic of the diocese to exercise episcopal functions therein. The episcopal oath of allegiance to the sovereign, as it exists in most countries, loses all significance, since the measure of its worth is determined by the pleasure of the pope. The governments, therefore, were fully justified in declaring that Chapter III. of the Constitution of July 18, 1870, had altered the legal *status* of the party, with whom they had contracted, and that they were, therefore, no longer bound by the conventions which they had concluded with the Roman See—a consequence, it is true, which only Austria had drawn, in order to release herself

Austria repudiates the Concordat.

The reservation, '*ex cathedrâ*.'

formally from the Concordat of 1855.[1] It is clear, moreover, that the condition implied in the words *ex cathedrâ*, upon which papal infallibility is made to depend, are in reality a pure piece of jugglery, for the pope alone decides whether he speaks *ex cathedrâ* or not.[2] To this day there has been, as Mr. Gladstone remarks, no established or accepted definition of the phrase, and Catholics of eminence and learning differ widely as to its interpretation. The dogma of infallibility, moreover, having necessarily, as already shown, a retrospective effect; the Syllabus also, which certainly treats of matters of 'faith and morals,' and maintains that the Roman pontiffs have never transgressed the boundaries of their powers (compare the Bull *Unam Sanctam* of Boniface VIII.) is clothed with the character of infallibility; so that it is the duty of all Catholics to believe that the principles which it condemns, although sanctioned by most of the fundamental laws of the State, are wicked and sinful heresies.[1]

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[1] Despatch of Count Beust, July 30, 1870: 'Les doctrines promulguées par le Concile placent les relations de l'État avec l'Église sur une base toute nouvelle, puisque celle-ci étend le cercle de sa compétence et concentre en même temps dans la personne du Pape tous les pouvoirs qu'elle prétend exercer. Un changement aussi radical bouleverse toutes les conditions qui ont présidé jusqu'ici au réglement des rapports entre l'État et l'Église. C'est cette dernière qui prend l'initiative d'un acte d'une aussi grande portée, et, en agissant ainsi, elle se place sur un terrain où il ne nous reste qu'à la suivre en déclarant, que les conventions conclues sous l'empire de circonstances toutes différentes ne peuvent plus être considérées comme valables. Le Concordat de 1855 est, par conséquent, frappé de caducité et le Gouvernement Impérial et Royal le regarde comme abrogé.'

[2] The emptiness of this reservation is proved, moreover, by the Encyclical of December 8, 1864, which stigmatises those who maintain that they may refuse obedience in matters which do not concern 'faith and morals,' as well as by proposition xxiii. of the Syllabus. The clause in question is simply a convenient loophole of escape from awkward queries as to the past, since the Curia at any time can declare that a compromising decision of a former pope was not given *ex cathedrâ*.

The earlier observations on the origin of the Vatican Council suffice to relegate to the regions of romance the Ultramontane theory—as advanced particularly and in detail in the recent pamphlet of Archbishop Manning against Mr. Gladstone—namely, that the present complications are to be ascribed to a gigantic conspiracy of the governments, conducted by Dr. Döllinger, against the freedom of the Church. The Vatican decrees, on the contrary, are the final result and expression of a long-prepared policy of aggression on the part of the Court of Rome against modern civilisation and the modern State, who is not only entitled, but bound in duty to defend itself against the attacks of a power which talks of 'faith and morals,' but means dominion.

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[1] Nor did the Ultramontane organs conceal their views as to the ultimate state of things to be arrived at. In 1871 the 'Civiltà Cattolica' said: 'What the Church asks for at present from the State is independence, liberty, and that measure of rights which rulers from this point of view must give. But when another generation has grown up, and if circumstances are favourable, the Church will not refrain from demanding her full rights. And it is impossible to blame her for so doing. If all men are heathen or communists, they may live according to heathen or communist principles. But if the world is Catholic, it must be governed according to Catholic principles.'—The pastor Huhn, of Munich, declared at Mayence in a Catholic assembly, 'There are circumstances under which it is impossible to unfurl the true flag. When we have the choice of two evils, then we choose the lesser one—liberty of education.'

CHAPTER XXV.

THE STATE AND THE PROTESTANT CHURCH SINCE 1848.

France: General Synod of 1848—'Union of the Evangelical Churches'—Reorganisation by Napoleon III.—External Oppression of Protestants—General Synod of 1872—Contest between Orthodox and Liberal Parties—Protestantism in Italy—in Spain—in Austria—Illiberal Policy of Count Thun—Protestant Movement in Hungary—Patents of 1859 and 1861—Remedial Legislation of 1868—Germany: Evangelical Church Union at Wittenberg—Prussia: Constitution of 1850—Cabinet Order of 1852—Revision of Rhenish-Westphalian Church Constitution—Passive Conduct of Frederick William IV.—Gerlach and the *Kreuz-zeitung* Party—Their mischievous State-Church Principles—Reforms of Von Bethmann-Hollweg—Church Constitution of Baden—'Union' of Liberal Protestants—Their anti-Confessional Principles—Freethinkers and semi-unbelievers—Their Want of Cohesion—The Confessional Movement—Incorporation of Provincial Churches by Prussia—Scheme of a Church Confederation—Constitutions of 1873 and 1876—Holland: Revised Church Constitution of 1852—System of Secular Education—England: Internal Progress of the State Church—Political Growth of Dissent—State of Church Parties—Public Worship Regulation Act—The Bishops and Ritualism—Prospects of the Established Church—Church Patronage in Scotland—Disestablishment of the Irish Church.

CHAP. XXV.

THE February revolution found the greater part of the Protestant Churches on the Continent without any really independent organisation. For that reason they were unable to profit by the freedom of action which outward circumstances offered to them, in the same manner as the Catholic Church had so cleverly managed to do; and when the subsequent reaction set in, they fell into a still more unfavourable position than before, not only by suffering oppression in Catholic countries, but by being more closely chained to the State in Protestant ones.

General Synod of French

In France a number of deputies from the various consistories resolved, in May 1848, to convoke a General

Protestants, Sept. 1848.

Synod for reorganising the Reformed Church. This Synod met on September 11,[1] and endeavoured to re-establish the old constitution by removing the most vexatious restrictions of the law of the 18th Germinal X. (1802). Not only did they fail, however, to arrive at any real agreement on this point, but a new schism arose on the question of a common confession of faith. When it was found that opinions on this subject were extremely divided, the assembly resolved to leave doctrinal matters *in statu quo*—in a state, that is to say, of absolute liberty—declaring that they 'would not restrict the freedom of the children of God by setting up any other authority than that of God's own Word.' Thereupon, however, Count Gasparin and Fr. Monod[2] announced their secession from the Synod and from the Church, as recognised by the State, in order to found upon the basis of the old confession, the *Union des Églises Évangéliques de France*, which, without accepting any aid or support from the State, provides for its wants by means of voluntary contributions, leaving, in other respects, each congregation to choose its own constitution and administration. In so doing the presbyterian principle was given up as obligatory; while the synodal principle was still retained, by deputies from the various congregations meeting together every two years, in order to deliberate on matters of common interest. A synodal committee, chosen by them, executes their resolutions, and represents in the interim the union of the various congregations.

Union of the Evangelical Churches.

After the *coup d'état*, Louis Napoleon interfered also in the relations of the Protestants, by reorganising their

Protestant Churches re-organised by Napoleon, March 26, 1852.

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[1] This was the first assembly of the kind that had been held for eighty-five years. The last had been held secretly in 1763.

[2] Adolf Monod remained in the State Church, and recorded his reasons in a pamphlet, 'Pourquoi je demeure dans l'Église établie.' Paris, 1849.

Church, without asking their assent, by the decree of March 26, 1852. In so doing there was no question of any re-establishment of the Reformed Synods; on the contrary, a kind of universal suffrage was introduced, by abolishing pretty well every religious qualification for the electorate. A supreme *Conseil central* was established at Paris, composed of Protestant notables, nominated by the government, but with no definite area of authority,[1] and naturally a pliant tool for imperial purposes. In like manner the Lutheran Church of Alsace was placed under the absolute government of a *Directoire*, composed of the president, a lay member and an ecclesiastical inspector, all nominated by the government, and of two deputies named by the superior consistory. It named all pastors, and submitted their nomination to the government, and authorised, under the same sanction, their transfer from one cure to another. It exercised superior control over the education and discipline in the Protestant seminary and gymnasium at Strasburg; and recommended the candidates for chairs in the theological faculty.

Their external oppression.

Throughout the whole period of the Empire the position of the Protestants, especially in the smaller communities, was one of oppression. They could no longer be tormented, as in the previous century; but every possible obstacle and inconvenience was placed in their path. Their complaints to the civil authorities met regularly with a rebuff,[2] and if at any time a report was demanded at Paris, it was said that these people were a set of restless busybodies, with whom Protestantism served merely as a pretext for political agitation. 'L'esprit de subversion et d'impiété révolutionnaire,' said an official publication of that kind, 'se glisse derrière les débats religieux; il en profite pour détruire tout principe d'autorité.' In the year 1854 a German envoy at Paris interceded with the Minister of Public Worship, M. Fortoul, on behalf of a congregation whose elementary school had suddenly been closed. The minister ordered a report to be made, and he was informed in reply, that there were really no Protestants at all in the place; that those who styled themselves such were Jews, who had opened the school merely as a demonstration against the Catholics. The old argument was repeated, that the minority must not disturb the faith of the majority. The *Moniteur* of January 28, 1858, declared that schools of course had always been closed, 'quand on a eu de légitimes raisons pour penser que la création d'une école était moins, dans la commune, un besoin sérieux du culte nouveau (!) qu'un moyen de perturbation et de propagande agressive contre le culte de la majorité des habitans.' Thus the prefect of the Sarthe prohibited the sale of bibles, on the ground

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[1] 'Il est appelé à s'occuper des questions d'intérêt général, et notamment de concourir à l'exécution des mesures prescrites par le présent decret.' (Decree in 'Moniteur,' March 28.)

[2] The following case occurred at Marseilles about 1855. A Catholic manufacturer established a sulphur manufactory next to a Protestant hospital without observing the sanitary police regulations enjoined by the law. The consequence was a very injurious effect upon the patients, several of whom died. The board of management of the hospital complained to the authorities; a chemist was commissioned to

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inspect the manufactory, and it was declared, on his report, that no alteration was required in the arrangements. The board were rebuffed; all applications to the prefect were in vain. After a year had passed, a general came to Marseilles whose wife was a Protestant. No sooner had he heard of the matter than he strenuously demanded that a change should be made, and the manufacturer was obliged to rebuild his chimneys. This incident is highly illustrative of the internal condition of France. The priest makes a demand: the official obeys: the soldier alone ventures to contradict.—Against an officer who had gone over to Protestantism, and caused his children to be educated in that faith, the family instituted proceedings, on the ground that his conduct dishonoured the memory of the dead Catholic mother, and would separate the children from their family. (Bunsen, 'Zeichen der Zeit,' vol. i. p. 315.)

that the majority of the inhabitants of the department were Catholics, and would be disquieted by such manifestations.[1] The principles of freedom of worship still stood recorded, it is true, in the imperial constitution; and enlightened Frenchmen looked down with complacent triumph at the bigoted Tories in England, who refused to admit Rothschild to the House of Commons.[2] But practically the execution of these high-sounding principles was curtailed, if not checkmated, by special laws and regulations of police. The exercise of religion was declared free; but in spite of that declaration Article 291 of the Penal Code, which required the previous sanction of the authorities for every assembly of more than twenty persons, as well as Article 294, which forbade any citizen to permit such an assembly to be held in his house without that sanction, were brought to bear, as before, against the Protestants. Ministers who expounded the Bible to a meeting, without special permission, were visited with punishment. All these vexatious restrictions brought with them, certainly, one counterbalancing advantage. They served to stimulate that internal energy which an *Ecclesia pressa* derives from external compulsion. Excellent arrangements were made for the care of the poor and sick: individual interests were cheerfully sacrificed for the general objects of the community; and even in numbers the Protestants showed an advance.

Nevertheless, this outwardly oppressed condition of French Protestantism did not prevent the growth of lively struggles within the pale of its communion. Partly in connection with kindred efforts in Germany and England, a school of liberal Protestants was formed, whose members denied all Christian revelation, and yet, relying on the existing freedom of doctrine, claimed to belong to the Church. Hence a state of anarchy naturally arose, which could only be terminated by a decision of the supreme authority, a General Synod. This solution was brought about in 1872, mainly by the active efforts of M. Guizot. The Left, or Liberal party, who had vainly attempted to prevent it, foreseeing that they would find themselves in a minority, began by impugning the competence of the Synod to decide in the matter, on the ground that neither the decree of May 28, 1852, nor the organic articles, recognised a General Synod. Their arguments practically disavowed the independence of the Church herself, but they failed to enforce them.[1] Equally unsuccessful was their campaign in favour of unlimited freedom of doctrine in the Church. By a majority of 61 against 45 votes—the latter including the Left Centre, or moderate Liberal party—the confession of faith, proposed by the Right, was adopted, which, in harmony with the *Confession de la Rochelle*, expressed at least the main points of revelation in an evangelical sense. The General Synod was then recognised as the supreme representative body of the Church: the provincial Synods were entrusted with the control of ecclesiastical instruction. The presbyterian constitution remained unchanged; but as an electoral qualification was required a declaration of sincere attachment 'to the Reformed Church and to the Evangelical truth revealed in the Old and New Testaments.'[2] On July 10 the Synod closed its first session by

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[1] Even under the present republic the excellent writings of M. de Gasparin failed to obtain the stamp necessary for the colportage, which is granted readily enough to immoral publications.

[2] This disability was finally removed by the establishment of a new form of oath in 1860. [Tr.]

General Synod of 1872.

Contest between the Orthodox and Liberal parties.

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[1] On June 12 the motion of the Orthodox party, affirming the legal convocation and constitution of the Synod, and the incontestible right of the Reformed Church to modify her internal *régime*, was carried by 61 against 46 votes. For the proceedings of this Synod see 'Histoire du Synode Général de l'Église Réformée de France,' par Eugène Bersier. 1872.

[2] This was carried by 74 to 24 votes. Pastors were to be nominated by Presbyterian councils, M. Coquerel's proposal of universal

adopting the conclusions of the committee in favour of the separation of Church and State.

Their resolutions resisted by the minority.

These resolutions were ratified by a decree of the *Conseil d'État* of November 15, 1873. The minority protested against them, and absented themselves from the second session of the General Synod, regulating the carrying out of the constitution, which they refused to submit to. The Minister of Public Worship, on the contrary, maintained the binding authority of the Synodal resolutions. The radical party has appealed to the *Conseil d'État*, insisting that the conditions of the last elections for the Consistories were unlawful, and that consequently the elections for the Synod must be considered invalid. The decision of the *Conseil d'État* is still pending, but the claim of the party to be authorised to elect provisional *curés* through their consistories, which the Synod declared to be unconstitutional, was rejected by the Minister of Public Worship. Meanwhile the battle has been going on in the press. An able pamphlet, entitled '*L'Unité de l'Église Réformée de France*,' has proved from authentic documents what flagrant errors are entertained with regard to the recent history of the French Protestant Church, and has shown that these errors form the sole basis of the policy of the Radicals. Still more important is the fact, that the leaders of the Left Centre, M. Sayous and M. Verne, have openly separated from the Radicals, and acknowledged the authority of the General Synod. The dispute can only be settled by a separation of the two parties. This step the majority are quite willing to take, by dividing the endowment of the State; but the minority will not hear of it, since by so doing their principle of unlimited freedom and difference in doctrine would practically be assailed, and because they feel that, in case of a separation, only a small

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suffrage being rejected, as was also the Liberal scheme of the complete independence of parishes, instead of their union under consistories.

minority would leave the Established Church, and the weakness of their numbers would thus be made apparent.

That the period of reaction could not be favourable to Evangelical liberty in the other Latin countries, is intelligible enough. We need merely remind the reader of the incarceration of the married couple Madiai, of the sentence of Cecchetti in Tuscany to a year's imprisonment for reading the Diodati Bible, and of the persecution of Matamoras in Spain. Sardinia alone presented an honourable exception to this policy of oppression. To the Waldenses, as we have seen, who had suffered persecution in their valleys up to 1848, and had only been allowed to have divine service performed in the French language, the Edict of February 17 secured the enjoyment of all civil rights, and the circulation of the Bible assumed large proportions. With a united Italy came the abolition of those intolerant laws of the former States, which had interdicted, under heavy penalties, any other worship but the Catholic. The Waldenses removed their institution for theological instruction to Florence, and under their influence numerous small Protestant communities soon grew up. In September 1870 they entered Rome with the troops of Victor Emmanuel; and on March 4, 1871, the first meeting of the Italian Bible Society was held under the eyes of the pope, who so often had cursed this 'plague of Christendom.' Meanwhile, other powers besides the Waldenses are promoting successfully the evangelisation of the peninsula; though, in consequence of the religious indifferentism of the Italians, the progress of the movement cannot as yet be measured by any large numbers of converts,[1] and is only protected by the loyal conduct of

Protestant progress in Sardinia.

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[1] It is certainly striking to find now at Rome next to a Catholic Church a shop with the inscription in large characters, 'Libraria evangelica,' in which books are sold such as Gavazzi's 'La favola del viaggio di S. Pietro a Roma.'

the government against the aggressive hostility of the Ultramontanes.

In Spain.

In Spain, as recently as 1855, a motion for religious toleration was rejected by the Cortes by 103 against 99 votes. The revolution of 1868 first broke the spell of intolerance, and introduced religious liberty by law. The new government, following the reaction caused by the clerical policy of Queen Isabella, decreed the expulsion of the Jesuits and the dissolution of the religious societies which had been founded, under her patronage, in defiance of the law. The beginnings of Protestant communities were formed under shelter of this legislation; but their position is still very precarious and insecure.

Illiberal policy of Count Thun.

In Austria the administration of Count Thun was not likely to open a favourable prospect to Protestantism. Autonomy, it is true, was granted to the Protestant Church,[1] but the idea of autonomy—very different, indeed, from that enjoyed by the Catholic Church—was summed up in the provision, that the members of presbyteries should be allowed to meet without giving notice to the authorities, and without the presence of a State Commissioner. While the Catholic bishops held their synods undisturbed, the heads of the Evangelical Church, nominally possessing equal rights with those of the Catholic Church, were not even allowed to hold a meeting of the local congregation, much less of larger synods, without the permission and supervision of the police. The important offices of General Inspector and of the District Inspectors among the Lutherans were abolished, as well as that of the Curators among the Reformed. The pastor Steinacker at Trieste was dismissed from his benefice without sentence or legal process, simply because he had taken an active part as secretary at a conference, in 1848, on the relations of the Evangelical Church, which had been brought about by Bach himself, who had succeeded Stadion in 1849, as Minister of Public Worship. Borczinski, a lay brother who had gone over in Silesia to the Protestants, was thrown into prison on his return.

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[1] Patent of December 31, 1851, practically annulled, however, by the decree of July 3, 1854.

Protestantism in Hungary.

The Hungarian Protestants, indeed, refused to submit to such treatment. Already under Haynau's dictatorship they raised vehement complaints against his terrorising measures;[1] and defended themselves, to the best of their power, against the invasion of Jesuitism, by which Bach hoped gradually to exterminate both Magyarism and Protestantism. The representations of the magnates, supported by Frederick William IV., succeeded in 1856 in inducing Count Thun to propose a draft constitution for the Church, restoring a portion of her synodal autonomy; but both Lutherans and Calvinists rejected the scheme, being determined not to submit to the Supreme Church Council, to be appointed by the emperor. This boldness was answered by measures of double severity. A number of Protestant gymnasia and lycæa were deprived of their official character: the Protestant schools were forbidden to receive Jewish children: all remonstrances against this usurpation remained fruitless. After Solferino, however, the importunity of the Hungarian Protestants became so inconveniently urgent, that the cabinet at Vienna at length awoke to the necessity of doing something decisive. Yet even now Count Thun refused to abandon altogether his old policy; and simply put forward anew his project of 1856 as a Protestant patent.

July 24, 1859.

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[1] See his edict of February 10, 1850, containing directions to the commanders of the military districts (Craig, *ut sup.*, p. 450); and the memorials of the Protestant clergy to the Archduchess Maria Dorothea and the emperor (*ibid.* Appendix, Nos. iii. iv.). The Protestant leader Baron Vay, who afterwards became chancellor of Hungary, was condemned by one of Haynau's commissions. [Tr.]

Patent of 1859.

An imperial decree of November 8, 1859, declared the protests of both Lutherans and Calvinists against the constitution to be invalidated by the Patent. The execution of this Patent now provoked a contest, which was carried on by the government with all the instruments of bureaucratic and military power. Legal proceedings were multiplied wholesale. Men of the highest consideration were thrust into prison; but they held out with firmness, and to their opposition was essentially due the October diploma, which decreed the abolition of the central authority of the Ministry of Public Worship, and one result of which was the dismissal of Count Thun. Zsedeny, who had just been expiating in prison his resistance to the policy of the late minister, now entered the new Hungarian Chancellery as first functionary; and for the hereditary domains of the empire, with the exception of Dalmatia, the Protestant Patent of M. Schmerling, who had succeeded Dr. Bach, secured to all members of the Evangelical faith their presbyterian and synodal constitution, under the control, however, of a Supreme Church Council, which embraced the consistories of both confessions, and whose members were nominated by the emperor. Still the admission of the laity, as well as the General Synod, existing beside the Supreme Council, marked a great advance. As long, indeed, as the Concordat remained in force, the bishops still possessed a formidable weapon against freedom of Protestant worship; and in Tyrol the clergy ventured openly to refuse obedience to the Patent. But if this opposition could check reform for a while, it could not extinguish it. The 'Sistirung' ministry of Belcredi was the last attempt of the reaction, which collapsed after the defeat at Sadowa (July 3, 1866). With the accession of Count Beust (February 7, 1867) a new era of policy was inaugurated. The new confessional laws of 1868 for Cisleithia, as well

October 20, 1860.

Schmerling's Protestant Patent, April 8, 1861.

as those of Baron Eötvös, the new Minister of Public Worship in Hungary, finally secured for the Protestants full freedom of worship. They facilitated the formation of new local communities, and the secession of Catholics to Protestantism, and abolished the compulsory enactments of the *Reverse* respecting mixed marriages. Under the influence of this legislation Protestantism has made decided progress in Hungary, and particularly in Bohemia.

The reaction terminated by Sadowa.

Protestantism in Germany.

In Germany the development of Protestantism during this period was fraught with very different importance for its relations with the State. While the Catholic hierarchy made use of revolution, equally as of reaction, to obtain a position of absolute independence, the Protestant Churches entered into the struggle bound hand and foot. The rude outbreaks of demagogical violence brought together, it is true, the best elements of Protestantism at the first meeting of the Evangelical Church Union at Wittenberg in September 1848; nor would it be fair to disregard what useful results this assembly, as well as its successors, has achieved for the reawakening of religious life. But in contrast to the meetings of bishops these assemblies were only voluntary unions, or at most, according to their composition, mere pastoral conferences, whose deliberations had no binding authority. Moreover the decided Lutherans were either absent altogether, or soon withdrew. The interest felt in these meetings, as well as the influence they exercised, visibly decreased; and they remained quite as barren of any real value for promoting the independence of the Evangelical Church, as did the conferences at Eisenach for the settlement of her administration.

Evangelical Church Union at Wittenberg, 1848.

State interference in Prussia.

What really determined the position of German Protestantism was the conduct of the governments, and especially that of the leading Protestant power in Germany. The Prussian constitution of 1850 had not, it is true, laid down the principle of a separation of Church and State, as favoured by the constitution of the empire; but it had recognised religious societies as independent orders, and by expressly naming the two great ecclesiastical bodies had given a legal sanction to their historical and national *status*. Considering now that the Catholic hierarchy was allowed to enter unhindered into possession of the most complete autonomy, it might have been expected that the Evangelical Church likewise would be released from the control of purely civil authorities, and be secured in future against the disturbing influence of political fluctuations, in order to enable her to reorganise herself. But only feeble starts were made in this direction, and there the matter halted. To Article XII. (later Article XV.),[1] which gave to religious societies the right to 'regulate and administer their own affairs independently,' the second Chamber, on the motion of the deputy Herr Fubel, had added the provision; 'It is the duty of the sovereign, in the exercise of his powers of Church government, to bring about an independent constitution of the Evangelical Church, with a view to enabling her to assume and exercise the rights assigned to her;' but the first Chamber rejected the proposed article. This repulse, however, did not prevent the minister Von Ladenberg from preparing the way for a reorganisation, by taking the opinion of the consistories, the theological faculties, and individual expounders of ecclesiastical law.[2] But no practical result followed from these enquiries. The appointment of the Supreme Church Council (January 26, 1849) was to pave the way for the independence of the Church; but until this independence could be secured, the authority invoked for that purpose was simply that of the crown, which the king delegated to his advisers for

Constitution of 1850.

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[1] It is now repealed.

[2] These opinions were published and edited by Richter, 1849.

the exercise of Church government, but did not divest himself of by law.

Matters remained until quite recently in this position; for although on June 29, 1850, a parochial organisation was given to the Church in the eastern provinces, it was never carried out in practice. In reply to the memorial of the Supreme Church Council, which insisted on the necessity of a synodal representation, embracing all constituent elements of the Church, the king repeated his former declaration, that it would be mischievous to apply constitutional principles to the Church; and the further assurances of the Council that such was not at all their intention, met with no response. After this, Frederick William IV. interfered only once more, in a positive manner, in the relations of the Church; namely, by a Cabinet Order of March 6, 1852, respecting the 'Union,' whereby he extended to her constitution the fundamental principles of the Edict of 1834. After the written acknowledgment of the 'Union,' which candidates for membership were required to sign, had been removed, and the readoption of their former confessional designations had been left to the will of the congregations, the distinctive system of Church government was now also abolished. As the essential conditions of membership of the Union the Cabinet Order designates the common celebration of the Holy Supper, and the coalition of the two confessions into a national Evangelical Church. As the object of Church government it points out the administration of the national Church in general, but also the protection and maintenance of the confession of faith, and of all regulations founded thereon. For this purpose the members of the Supreme Church Council are divided into Lutherans and Reformed; and for all questions 'of such a nature that their decision can only be collected from one of the two denominations,'

Cabinet Order, March 6, 1852.

an *itio in partes* is arranged, according to confessional distinctions.[1]

Revised Constitution of Rhenish-Westphalian Church.

With this measure, by which the king gave legal sanction to the ever-increasing confessional movement among the Protestants, his active interference in ecclesiastical matters concludes. To the only living monument of Church legislation at that time—namely, the revision of the Rhenish-Westphalian Church Constitution of 1851, which recognised in full terms the sovereign rights of the State and the Crown, and simply carried out, in a purer and more perfect form, the Presbyterian principle, his conscience prevented him at first from assenting. To give his royal sanction, he argued, to a measure of that kind, would be 'to participate in what was recognised to be an error;' more especially since this was already the second attempt made in the Rhenish Provinces and Westphalia, within the last seventeen years 'to bolster up the divine fabric of the Church by human handiwork and a human constitution.' Only because the authorities of the Church in those parts promised themselves great advantages from the introduction of this revised constitution, and because he desired to do justice to the earnest Christian spirit which animated the work, was the king induced to empower the Minister of Public Worship and the Supreme Church Council to ratify the revised constitution, with due reservation of the powers of Church government and of the other privileges enjoyed by the Crown. (Cabinet Order, June 13, 1853.)

Passive conduct of Frederick William IV.

From his conduct in this matter, as well as from his subsequent letters to Bunsen, it is evident that Frederick

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[1] It is not known that such an *itio in partes* has actually taken place. The Cabinet Order of July 12, 1853, made no alteration in these arrangements of ecclesiastical law themselves, but simply provided against their misinterpretation.

William IV. held firm to his ideal theory of the Church. But if even at an earlier period of his reign he was wanting in the necessary energy to carry out his views, that energy, whatever its amount, was completely crushed by the revolution. He did not understand how to protect the Church from even the heavy material injuries which those stormy years entailed upon her,—for instance, the burdensome imposts on real property, scarcely lightened by niggard driblets of relief; the confiscation of various independent funds, already very small; and the abolition of clerical exemption from taxation—immunities which had represented but a scanty reward for their manifold labours in the pure interests of the State, for example, by their gratuitous inspection of schools, by their conduct of registration, and the preparation of all the certificates, lists, and statistical tables which the latter duty involved.[1]

Gerlach and the 'Kreuz-zeitung' party.

This passiveness of Frederick William IV. as well as the profound bitterness he felt at the humiliations, which the last few years had prepared for himself and his convictions, were the principal causes that, during the latest years of his reign, placed a lever in the hands of the famous 'small but powerful party.' Of its three leaders General von Gerlach had the task of giving practical effect with the king to the views which his brother advocated in the second Chamber, and which Stahl had reduced to a doctrinal system. This party desired no independent Church: on the contrary, they saw in the closest connection of Church and State the only remedy against revolution and liberalism. The November review of the *Kreuz-Zeitung* of 1852 protested, 'in the name of the Evangelical Church,' against her liberty being derived 'from the muddy source of the Act of Constitution with the broad stamp' (i.e. of democracy), 'and the designation as a grant of self-administration, of that process of mutilation, so dangerous to her very existence, which aimed at lopping off from the body of the Church her principal member, the Christian government, with its august prerogatives in the Church, and thus destroying her constitution, now three centuries old.' It was, therefore, precisely that legalised intermixture of the coercive power of the State and the doctrinal authority of the Church—the subject formerly of such cutting opposition from the Rationalists and radicals—that this party now raised into a guiding principle of policy. The Church was and still remained absorbed in the State: the State was and still remained restrained and regulated by the Church. The State had to lend the necessary weapons for enforcing definite Church principles, which were to organise anew the whole popular life. The counter-efforts of political opponents were combated, not as contrary to history and practical experience, but as a rebellion against Divine commands; and the opponents of orthodoxy were denounced as dangerous to the State. This system was fraught with consequences equally pernicious for Church and State; for it pursued its aims not by promoting a free alliance between the two powers, but by compulsorily intruding each into the province of the other. In political life, instead of a sound policy based on solid interests, was substituted a sickly '*Tendenz-politik*,' which treated the concrete problems of the day solely from the point of view adopted by the dominant party. With incomprehensible coldness and apathy this party, notwithstanding all their talk of a Christian-Germanic State, obstinately opposed all national questions; nay, they glossed over even the most flagrant insults to the honour and prestige of their own country with the pompous watchwords of warfare against revolution and of the solidarity of con-

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[1] Gerlach, 'Dotations-Ansprüche,' p. 31 *sqq.*

Their mischievous principles of State-Churchdom.

servative interests. So far from excusing the humiliation at Olmütz (1852) as an inevitable misfortune, they celebrated it as a moral victory. They surrendered the duchies and the electorate of Hesse to their oppressors, and regarded the decline of the moral influence of Prussia as a just punishment for the sins of the 'mad year.' When the Vienna *Presse* scoffingly declared 'The Emperor points the way: the Margraves must follow,' the *Kreuz-Zeitung* answered with the couplet:

Austria and Prussia hand in hand,
Germany else must helpless stand,[1]

and was only disturbed in this absolute compliance, when, in the Crimean war, Austria seemed like deserting the high-priest of legitimacy, the Emperor Nicholas, whose death, Herr von Gerlach was not ashamed of declaring in the House of Deputies, Prussia ought to mourn like the loss of a father. Meanwhile, as regards the internal relations of the Church, every movement for liberty was suppressed. Inconvenient promises of the Constitution were declared to be mere 'legislative monologues;' and a spasmodic but spiritless attempt was made to patch up and put in working old institutions, which were paraded in triumph as of Divine ordinance, though they had long since lost all root in real relations, and simply prolonged their existence by means of the police-government of the State.

Nor was the effect of this system less mischievous for the Church herself. There was no question of any inward religious renovation, or revival of spiritual conviction. An official Christendom was set up, the willing acceptance of which *en bloc* was the test of a loyal disposition, and the condition of promotion. It was altogether overlooked, that none but untrustworthy adherents could be obtained in this manner; while they were only damaging the real interests of the Church, since by this favouritism in high places they were placing Christianity itself in a false light, and were concentrating on its head the hatred which should properly have been reserved for the Byzantinism of the dominant party. The political struggle was embittered by intruding religious elements of discord into the fray; and the Church was degraded not only by ruling her henceforth, as before, through the State, but by making her the slave of a political party.

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[1] Oesterreich und Preussen Hand in Hand,
Deutschland sonst aus Rand und Band.

Overthrow of their party.

Hence it was intelligible that the overthrow of that system was universally hailed as a deliverance from an incubus of oppression, and that lively satisfaction was expressed at the promise of the prince-regent to resist with all earnestness those efforts which 'aim at making religion the cloak of political designs.' The party of the *Kreuz-Zeitung* refused, nevertheless, to abandon their cause as lost, and by means of the opposition in the Upper House, succeeded in frustrating the carrying out of institutions which required the assent of popular representatives, as for instance the facultative civil marriage. The Minister of Public Worship, von Bethmann-Hollweg, —a man equally qualified for his office by his warm interest in the Church as by his fruitful experience in presbyterian and synodal life, found himself restricted, accordingly, to that field of action in which the concurrence of the Landtag was not required. The Cabinet Order of February 27, 1860, resumed the question of the Church constitution by decreeing its introduction into all Evangelical communities, in which there existed as yet no parochial board of management, for its internal and external affairs. Where these administrative organs already existed, they were to proceed without delay with the institution of district synods. By a royal edict of June 5, 1861, these synods were first introduced into the province of Prussia, and they were extended during the

Introduction of district synods in Prussia.

following years to the other provinces in the eastern portion of the kingdom. The outbreak of the political conflict, which caused the dismissal of the Manteuffel ministry, interrupted also for a long while the further progress of the constitution. But during the total change introduced in Prussia with the regency, the political effect of which spread rapidly over the rest of Germany, and continued even after the fall of the Auerswald ministry, a corresponding impetus was given for a change in various points in the relations of the Church, though not always in an agreeable direction. In the Bavarian Palatinate, in consequence of some mass petitions, the Consistory was remodelled on liberal Church principles, and a new synodal constitution, on a corresponding pattern, was thrust upon the Protestants. Similar complaints regarding the Lutheran Church in the Rhine provinces led to the summary abolition, by a ministerial order, of a number of beneficial reforms, which had obtained full legal recognition by the synods introduced after 1848.

Church Constitution of Baden.

Baden, however, in particular became the field for the architects of the Church of the future. Here the introduction of a new Agenda had already excited a lively opposition; and after the abolition of the Concordat, the Evangelical Church also recognised the necessity of rearranging her constitution. The grand duke's proclamation of April 7, 1861, having promised to the Church the independent conduct of her affairs, the Upper Church Council was reorganised on liberal principles; and there was submitted to the General Synod of the following year the draft of a constitution for the Church, which was accepted in all its fundamental articles, and introduced with the approbation of the grand duke. Repeatedly, and especially by its originators, this constitution has been held up as a 'model for the whole of Evangelical Germany.' But in reality it marks an enormous retrogression; and nothing can be more unfair or unfounded than to compare it with that of Rhineland and Westphalia. While the latter carries out consistently the presbyterian principle, and recognises those only as members of the local community who adhere to its confession of faith,[1] the Baden Protestant acquires his full congregational rights by the mere fact of residence in the parish, and for this qualification nothing further is demanded of him than that he should not occasion public scandal by contempt of religion or dishonourable conduct. So far indeed from having carried out, as its panegyrists boast, the presbyterian system in its purity, the Baden constitution has degenerated into the old State-Church parochial system, which was only reorganised on the principles of a pure democracy. Only those of civil disrepute were excluded from the right of electing members for the parochial church council, though their personal eligibility required the positive voucher of good report and a proved religious spirit. Even this, however, is not made a condition of the validity of election, so that the precept simply amounts to a recommendation for the original electors; and the local council has no rights whatever of Church discipline.

Its defective character.

The Baden constitution, therefore, is wrong not only in its machine of execution, but in its principles, which contradict altogether the presbyterian system. Its fundamental elements consist, not of the spiritual community, but of the aggregate of those who are registered as members of the parish. The constitution of the Church is to be founded, not on the religious conviction of the faithful, as evolved by the progress of history, but on the loose and ever-shifting groundwork of public opinion on Church matters. It is the old fallacy, in a new form, of the *Contrat Social*, which bases the State and every corporation on the collective will of private individuals, and disdains to recognise the ethical character of those relations, which no one, however fain to do so, can really ignore.

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[1] See § 1–3 of the Rhenish-Westphalian Constitution.

Built on such false and anomalous foundations, the synodal superstructure of the Church could be of little practical value. At first the Liberals were forced to pay some consideration to the personal convictions of the grand duke and of the majority of the clergy and peasants. The Augsburg Confession, the Heidelberg Catechism, and that of Luther remained untouched; and it was only forbidden to make children learn them by heart. Soon, however, even this precaution was not deemed sufficient: and the Liberals now clamorously demanded a revision of the Agenda and the abolition of Bible reading and the Catechism in public instruction. The government is steadily, though slowly, yielding to this pressure, and it has just enacted a law abolishing all denominational schools.[1]

Its deplorable results.

The result of twelve years' trial of this constitution has been deplorable in the extreme. The number of ecclesiastics in Baden has diminished to such an extent that there are only half as many candidates for orders as there are clergymen annually removed by death. The theological faculty at Heidelberg, which is in the hands of the Liberal Coryphæi, counts at present only nine pupils, compared with the 110 students in 1863. The seminary for preachers has only three candidates, and of this slender staff of recruits many look for appointment to benefices out of Baden, being loth to expose themselves to the agitation attending the election of a parish clergyman by the community. The principle, publicly proclaimed, of ecclesiastical self-taxation is prudently not enforced, for it would have imposed too serious a strain on the strength of Protestant conviction: in its stead the Good Friday collection has been changed into one for Evangelical theologians. Church life, meanwhile, has visibly decayed in the congregations. At Carlsruhe the number of electors for the parochial church council dwindled gradually from a percentage of forty in 1861, to twenty-seven in 1865, seventeen in 1868, and nine in 1871. In a purely Evangelical community scarcely a single elector appeared at the first election of new officers, in spite of a sufficiently long advertisement of the election. No one attends as a listener at the diocesan synod. The liberal churches are gradually deserted: the Upper Church Council itself attests the perceptible decrease of communicants, the growing immodesty of the young, the inordinate passion for enjoyment and for lounging in public-houses, and the loosening of the ties of family life.[1]

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[1] It remains to be seen how far the late ministerial change will have an influence in the reverse sense.

The Protestant Union.

The Baden Church constitution is, in fact, the child of that party which is represented by the 'Protestant Union,' and which parades its principles as those of true religion and of the Church of the future. It is worth while, therefore, to examine this claim somewhat closer. Starting with the unimpeachable doctrine that religion, as the immediate communion of man with God, is something which solely concerns the individual, and suffers no compulsion, and that, above all, Christianity is not so much a doctrine as a life, the Protestant Union thinks to bring about the union of the Evangelical Church by liberating altogether her doctrine from any definite creed, and by introducing parallel formularies of worship, either of which anyone can choose, according to his needs. In this false conclusions from premisses otherwise correct lies the fundamental error of the Protestant Union. Every community must have some connecting link; and that which unites a religious community is their common belief.

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[1] Compare the further information given in the 'Resultate einer Kirchlichen Musterverfassung.' Deutsche Blätter, April 1874.

Their repudiation of a common creed.

Every form of belief, therefore, must be able to state what are its substance and contents; and since the substance of belief, as of everything else, is always something definite, therefore every belief has necessarily its exclusive aspect, and this exclusiveness the various Churches denote by their respective creeds. No creed, of course, will ever be able to exhaust the fullness of Christian truth, and even the most comprehensive one will admit further of a variety of interpretations; so that one ought not to boast of the mere letter, but rather acknowledge the fact, that divine truth mirrors its rays in infinite refractions on the human soul. But some limits there must be to liberty of doctrine within every community of believers; for that liberty must not be made to cover an indifferentism towards all points of difference. If it ever were to happen that the views, perhaps of Strauss or Hartmann, about 'the Universe' and, on the other hand, the dogma of the Immaculate Conception, could be proclaimed together with the Augsburg Confession in the Evangelical Church, that Church would be no longer a community at all, but a doctrinal chaos—a field of battle, where parties, diametrically opposed to each other, fight out their quarrels. One may discuss therefore each criticism of a particular creed, but he who demands that an Evangelical Church should reject a creed altogether, simply demands something that is unreasonable. The members of the Protestant Union of course imagine they can prevent such consequences by seeking to renovate the Church according to their principles, 'on the basis of Evangelical Christianity and in harmony with the collective development of modern civilisation.' But if it is asked what is meant by the 'basis of Evangelical Christianity,' one receives an answer which either hides the real kernel of the matter with empty phrases, or denies outright the truth of Revelation. Pastor Spiegel declares that Strausss'

Partly composed of free-thinkers.

'Life of Jesus' has never been refuted; and in a pamphlet by the minister Lang of Zurich, bitterly complaining that the pulpit of the Lutheran Church at Osnabrück was not consigned over to him, we find the following passage: 'The doctrine of Luther cannot be patched; it must be destroyed. The Church mythology, which formed the groundwork of the speculations of Erasmus, as of Luther, must be totally upset—the mythology, that is to say, of a supernatural God, who, as an Omniscient and Almighty Being, presents a dualistic contradiction to all that is finite—the mythology of a fall of man, by which the original powers of man's nature are said to be broken—the mythology of a God, who comes down from heaven upon the earth and becomes Man,—lastly, the mythology of a heaven, which lies elsewhere than in the human mind, and therefore carries with it the uncertainty of possession; of a future bliss which seeks its guarantee in something else than the feeling of present happiness.'

Partly of semi-unbelievers.

And almost still more perverse than these Radical freethinkers, who in plainness of speech at least leave nothing to be desired, but who have never been disavowed by the Protestant Union, are those semi-unbelievers, who conceal under a cloud of words their denial of the miracles, who argue to-day against the Divinity of Christ, and to-morrow go through acts of Church worship whose sole meaning rests on the presumption of that article of faith. Their conduct can only be explained either by boundless ignorance and mental confusion, or by open dishonesty; and, for that reason, honest enemies of Christianity, like Strauss and Hartmann, have scourged their inconsistency with well-merited severity.[1]

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[1] Strauss, 'Die Halben und die Ganzen' (against Schenkel), p. 53. 'Two methods of thought stand opposed to each other—on the one side, that of the Church; on the other, that of modern ideas. Each

Yet these two last-mentioned schools of thought practically sum up the principles of the Protestant Alliance ever since the death of Rothe. Its only member who holds firm in general to the Christian Revelation is Baumgarten—a spiritual Michael Kohlhaas, who, exasperated by the actual injustice done to him by the Church government in Mecklenburgh, would like now to split into fragments the whole fabric of the Church, and who has joined for that very purpose this society, in which, even on his own admission, he stands absolutely alone.[1] He now

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stands firmly on its own ground; but neither admits of contact with its opponents; we cannot infer from the hypothesis of the one the consequent existence of the other.' (P. 64.) 'My mission is directed against the coining of false money; and I maintain that the tendency you espouse derives wellnigh its sole support from the coining of false money.' Again, in his 'Der Alte und der Neue Glaube' (p. 395), he says: 'Certain it is, that if the old belief is absurd, the modernised one,—namely, that of the Protestant Alliance and of the Jena doctors, is doubly and trebly absurd. The old belief of the Church contradicted only reason, it never contradicted itself: the new one contradicts itself in all its parts; how then can it possibly agree with reason?' Hartmann expresses himself still more severely in his latest pamphlet, 'Der Selbstzersetzung des Christenthums:' 'Liberal Protestantism consists of a vague, poverty-stricken, and dull system of metaphysics, withdrawing itself as far as possible from critical examination; of a mode of worship, fortunately divested of all mystery, but none the less self-contradictory, and of fragments of ethics torn from metaphysics and therefore irreligious. It rests on a conception of the universe, which, in its worldiness and optimistic contentment with the world, is in reality wholly incapable of allowing any religion to assert itself, and which, in common with the remnants of religiousness it retains, must sooner or later wear itself away in worldly indolence and comfort.'

[1] Under the guidance of Baumgarten an attempt was made, it is true, at the sixth 'Church day' of the Protestants, to set up a confession of faith, and the following was proposed for that purpose. 'The sole ground of the Evangelical Church is the Person of Christ, His teaching, and His work. The only mark of a Christian is the acceptance of Christ's Gospel in the fullness of conviction, and its ratification by love.' And yet even this formula, which allows one to think any-

is discerning too late, that not tolerance but intolerance of orthodox principles is the spirit of the Protestant Union, and has broken with it, as he did formerly with the Church.

The evangelical basis of the Protestant Union is to abandon, therefore, all revelation; and at the cost of this surrender the necessary 'harmony with the collective development of the civilisation of our time' can easily be arrived at. This result could be regarded, no doubt, as a positive gain, if one were certain that this development had always taken the right direction. But as this can scarcely be pretended, it is contrary to all common sense to wish to determine the conception of religious truth according to the loose and fluctuating notions entertained by the 'spirit of the times' on what is called civilisation.

The 'Union' incompatible with Church unity.

A movement of this kind, based on contradictions and negations, and which wanders downward from an express denial of what Scripture has recorded of the Person of Christ to Strauss's belief in the 'Universum,' represents indeed no community at all. At any rate, it is a hopeless undertaking to build on such false and slippery foundations the edifice of a Church. The Protestant Union proclaims, indeed, the principle of a community, but it has lost in fact the keystone of every evangelical Church constitution, namely, the community of confession. Its community is simply the parish, that is to say, the aggregate of those who do not belong expressly to any other religious brotherhood. It favours in words the separation of Church and State; but in the State in which it

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thing or nothing, was too binding for the assembly, and it was resolved to sanction it 'simply as a relative, but a unanimous expression of their mind' (Compare 'Zur Logik des Protestanten-Vereins,' Gotha, 1873). Thus the statement of Professor Lipsius, that unlimited freedom of doctrine and confession destroys altogether the idea of a community, becomes practically valueless.

rules it has quietly preserved the alliance of the two, in its most rugged form of expression, the supreme episcopacy of the sovereign. When the Consistory of Hanover refused permission to the above-mentioned Lang to promulgate his views in a Lutheran church, the Union lost no time in invoking the secular arm, and must fain obtain an instruction from the Minister of Public Worship that the Consistory had acted within the limits of its competence. Even in Prussia, the opposition, once so active, of the Union against the Upper Church Council has ceased, since the latter has turned the edge of its attack against the 'positive' movement; and what was once fiercely combated as a hierarchy greedy of dominion, is now represented as the embodiment of the majesty of the State. Thus the separatist principle, which was formerly celebrated as the solution of all difficulties, has lost its favour, and the State Church has become the object of their desires. This, indeed, is intelligible enough; for if once this object were achieved, the Protestant Union would attain a position of considerable importance. With the dissolution of the national Church, each party, hitherto represented in her communion, would constitute itself upon the basis of a separate confession; while the Protestant Union, which has no confession, and will have none, would sink into nonentity; nor would it hardly be able to count on any sacrifices from its adherents, since hitherto it has not even known how to procure the necessary means for appointing a secretary.[1] This explains, moreover, why it fights so zealously for its recognition by the territorial Church, and so enthusiastically advocates a national Church for Germany; whereas common consistency should require it to leave a community whose confession it rejects. As it has done in Baden, so it

Its State-Church principles.

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[1] 'Verhandlungen des 6 Protestantentags.' Berlin, 1873, p. 8.

seeks to do throughout Germany, namely, to rule the Church through the medium of the State.

Mistakes of the 'Confessional' party.

If, after all, the party in question can have no Church future, this is explained by the sterility and blunders of State-Churchdom on the one hand, and by the errors of the 'Confessional' movement on the other. The latter, during this period, rose to ever-increasing importance, both practically and in respect of scientific learning, and pushed the reconcilement-theology altogether into the rear. Two rocks, however, obstructed its complete development, neither of which it was able to avoid. While rightly insisting on the necessity of a definite confession, it assigned too dominant a position to the details of orthodoxy, and undervalued the importance of a Church constitution, in other words, of the independence of the Church towards the State, by adhering primarily to the principle of the supreme episcopacy of the sovereign. But besides this, many of its leaders maintained an exaggerated view of Church office, which by no means agreed with the principles of the German reformers. They reverted in fact to the episcopal system of the seventeenth century, which limited the universal priesthood of the faithful to the relations of the individual to God, but divided all ecclesiastical authority between the clergy, as teachers, and the sovereign, that the independence of the Church is virtually comprised in the independence of the former as towards the latter.[1] From this error, it is true, the

'Repristination' school of theologians.

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[1] This 'repristination' was first defended in a book of Stahl's, which appeared in 1840, 'Die Kirchenverfassung nach Lehre und Recht der Protestanten,' the contradictions of which to the views of Reformers were pointed out by Richter at the time ('Die Grundlagen der Lutherischen Kirchenverfassung in Wilda und Reyscher.' Zeitschrift für Deutsches Recht, vol. iv.). Later on, this theory has been refuted in detail by Höfling, 'Grundsätze Evangelisch-Lutherischer Kirchenverfassung,' third edition, 1853. Harless, in his 'Etliche Gewissensfragen, hinsichtlich der Lehre von Kirche, Kirchenamt und Kirchenregiment,' Stuttgart, 1862, has excellently elucidated the principles of the system.

Lutheran Church in Bavaria, under the guidance of Harless and Höfling, kept in general as free as did the Old Lutherans in Prussia, each of whom, it may be added, enjoyed a Synodal Constitution. On the other hand, this anti-Reformation view of office was defended by theologians like Vilmar, Kliefoth, Hengstenberg, Münchmeyer, and others; and by politicians like Stahl, Gerlach, Hassenpflug, Victor von Strauss, and Leo, who represented in some respects purely Catholicising opinions. Although this theory of an official Church was only realised in Mecklenburgh, it has brought incalculable mischief to the beneficial development of the constitution of the Evangelical Church.

Incorporation of provincial Churches by Prussia.

The impotence of the State-Churchdom, as hitherto existing, was strikingly shown at the incorporation of Schleswig-Holstein, Hanover, Hesse, Nassau, and Frankfort into the kingdom of Prussia. With the peculiar confessional *status* of these provinces, there could be no question of their subordination to the central Church government at Berlin. The Duchies, as well as Lauenberg, were purely Lutheran; in Hanover 82 per cent. of the population were Lutheran, and 5 per cent. were Reformed: in Hesse was found a mixture of Lutherans and Reformed, together with a certain proportion of adherents of the Union. Nassau had the same, but in another manner than in Prussia. At Frankfort the two confessions stood side by side. This variety of confessional distinctions corresponded to those of their Constitutions. Although Prince Bismarck had declared already in 1865, after the incorporation of Lauenberg, that the act would entail no change in the Church constitution of that small territory, still in the provinces, especially in Hanover, fears were manifested lest the confessional *status* might be endangered by the central and supreme authorities of the Church. The king met these apprehensions by issuing the decree of December 8, to the Upper Consistory of Hanover, in which he promised the full maintenance and further development of the existing constitutions, and made the union of the Evangelical Church consist simply in the voluntary sentiment of brotherhood.

Scheme of a Church Confederation.

On the other hand, it seemed evident that the subordination of these Provincial Churches to the Minister of Public Worship, occasioned by the temporary dictatorship of the King, could not become any definite arrangement. Accordingly proposals were almost immediately put forward for a re-adjustment of the relations. The most important proposal was that of Fabri,[1] who demanded that Union itself, as a principle of Church government, should be abandoned, and replaced by a Confederation, an independent constitution of Provincial Churches,[2] under a bishop and consistory, synods of presbyteries, districts, and provinces, and a representation of the collective Church, in her relation towards the civil power, through means of an Upper Church Council, to be newly established together with an assisting Council.

Such a programme seemed to follow so naturally from existing relations, that Professor Friedberg at Halle arrived quite independently at almost exactly the same result.[3] On the other hand, Professor Hinschius declared himself, with equal decision, against autonomous Provincial Churches, and demanded a common form of government as the smallest bond of union to be aimed at.[4] At Berlin, however, neither of these lines of action were adopted; on the contrary, that took place which, considering the position of affairs, was the most improbable and the most unfortunate, namely, nothing. The Upper Church Council went no further than theological discussions, which put all parties out of humour. The new provinces remained under the Minister of Public Worship, in a kind of personal Union in the Church, and were governed according to political relations on the one hand, and the dispositions of the Ministry, on the other. Hanover, who had roofed in her constitution just before her incorporation, isolated herself completely. Hesse, who lacked this exclusiveness, had rules imposed upon her, when she became a source of inconvenience. After a long delay, provincial Synods were arranged in 1869 for the eastern provinces; and on September 10, 1873, there was promulgated for them the Evangelical district and synodal constitution which contemplates, moreover, the accession of the Rhenish and Westphalian provinces into the General Synod, while preserving intact the dualism of the new provinces.

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[1] 'Die politische Lage und die Zukunft der Evangelischen Kirche in Deutschland.' 'Die Unions und Verfassungsfrage.' Gotha, 1867.

[2] Which were not to be made to correspond with the political divisions of provinces.

[3] 'Die Evangelische und Katholische Kirche der neu einverleibten Länder.' Halle, 1867.

[4] 'Die Evangelische Landeskirche in Preussen und die Einverleibung der neuen Provinzen.' Berlin, 1867.

Constitutions of 1873.

Scarcely, however, was this constitution published, than it was modified in important points, in order to win the consent of the Chamber of Deputies. It was carried by the government under high pressure through the Extraordinary General Synod, notwithstanding that this assembly had no legal competence to alter a constitution pronounced to be definitive. It was pushed through the two chambers of the Diet, and was formally ratified on June 3, 1876. The characteristic features of this work of liberalism are the entire overthrow of the presbyterian system, and the establishment of an ecclesiastical constitutionalism founded on the representation of numbers. The presbyterian system rests on the fundamental principle that only those who share the belief of the Church are entitled to participate in its government. This prin-

And of 1876.

ciple is abandoned; no profession of faith is required from the electors to lay offices in the Church, and only those are excluded whose life has given cause of moral offence, or who by permanent and wilful abstention from public worship and the sacraments have resigned their active membership of the Church. A further principle of the presbyterian system is that only those who enjoy an office in the Church, and fulfil its duties, are entitled to vote in the election of her representative authorities; and in this manner the different synods rise in organic growth from the community. The clergy and the presbyters, or elders of the communities, elect from their body the members of the district synod (*Kreis-synode*), the provincial synod, and the general synod, and nobody is eligible but an actual office-holder in the Church, the clergy being represented at least in equal numbers with the laity.

In the new Prussian constitution, each of these principles is abandoned. According to the law of 1873, the ecclesiastical council of the local congregation might elect elders who have ceased to hold any office; and in larger communities even deputies from among persons of consideration, experienced, and good repute in the district. But by the law of 1876, even the old and well-established presbyterian principle that the ecclesiastical council of the community is to elect the members of the district synod, is overthrown. The franchise is given indiscriminately to all the representatives of the community, and all its members are eligible. The equipoise between the clergy and the lay deputies is abandoned. The latter, from whom no religious qualification is required, will double the numbers of the former. Their majority is, therefore, assured from the first, and in the larger towns they will be even more largely represented, though it certainly cannot be pretended that their intelligence, which served as a pretext for this proportionate increase of numbers, is one of a religious character. The presbyterian principle is not that of mere numerical representation; the larger communities may have more numerous councils, but they send only one deputy to the synod. The Prussian law regulates the representation with reference to the number of population, and the choice of representatives is not limited to the members of the community. The provincial synod was the nucleus of the old presbyterian system, particularly in the Huguenot Church; and deservedly so, for it represented the religious peculiarities of the province. It is now dismissed as much as possible into the background, and neutralised by the nomination of a number of representatives by the sovereign. In this way the synods have for the most part only a transitory importance, as constituting the elective bodies, from whom the general synod is selected, for which the king in like manner nominates thirty members. It is this assembly, therefore, convoked according to the old system only on exceptional occasions, in which the representation of the Church centres, and which conducts her government. With a view to neutralise the pernicious consequences of this desertion of all established presbyterian principles, in favour of ecclesiastical constitutionalism, the central government of the Church is made as strong as possible. The Supreme Church Council rules as it pleases; but it is itself subject to the Minister of Public Worship, without whose consent not even that of the king can be asked for any measure. The result is that the Church is surrendered to the influence of the masses, and at the same time placed at the mercy of the State.

Revised Church Constitution of 1852.

In Holland a revision of the Church constitution of 1816[1] was effected in 1852, which, while retaining the fundamental forms, divided the national Church into forty provincial 'circles' and forty-three classes. The Communal Church Council consists of preachers, elders, and deacons, all of whom are chosen by the congregation: in larger communities there exists a Special Church Council, which is composed only of preachers and elders. The assembly of classes (*Klassenversammlung*), consisting of elders and preachers, chooses their class authorities, who conduct collectively the supervision and discipline of the Church, and also the provincial authorities, who control the classes. The provincial synod, which before the revolution was the most important organ of representation, is set aside altogether, as it was by the law of 1816. The General Synod, with its committee, remained the supreme authority for all ecclesiastical affairs. By these arrangements the element of elders has obtained a stronger representation, and the Church as a whole has decidedly gained in independence towards the State. On the other hand, she has lost her former influence over the national schools, by the latter being constituted in 1857, through the united efforts of the Catholics and Liberals, as parochial schools on a purely secular basis, in which all religious teaching is carefully excluded. Religious instruction is left to the Churches alone, who are only allowed to use the school-buildings for this purpose. This system, which at first was lauded as the genuine carrying out of the principle of a separation of Church and State, has led, on the contrary, to results which cause anxiety even to the liberal theologians of Holland.[1]

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[1] See *ante*, p. 193.

System of Secular education.

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[1] A former Minister of State and member of the States-General writes, with regard to this, as follows:—'L'enseignement laïque n'a pas donné en Hollande les fruits qu'en attendaient ses défenseurs. Sous l'influence du courant libéral et moderne, qui a profondément altéré le Protestantisme aux Pays-Bas, la laïcité n'a pas tardé à dégénérer en une sorte d'hostilité entre le Christianisme ou du moins contre ce qui en constitue l'essence. La jeune génération d'instituteurs, sortant des écoles où cet esprit domine, l'a fait pénétrer dans les écoles mixtes et

Internal progress of the Church of England.

Reverting to the Established Church in England since the period last under review,[1] we find that her progress has been marked by great internal activity and a healthy spirit of self-reform. The incorporation of the Ecclesiastical Commissioners in 1838 had paved the way for a series of long-needed reforms. The Episcopal Act equalised the incomes of bishops, and set free for the benefit of the parochial clergy benefices and dignities previously held *in commendam*, the re-adjustment of diocesan boundaries making efficient episcopal superintendence no longer an impossibility.[2] The reduction of cathedral establishments enabled the augmentation of poor livings from their surplus revenues. The Plurality Act, passed in 1838, was gradually removing, as each benefice in question fell vacant, the long-standing evils of non-residence. The liberality of the laity has conspicuously aided the efforts of the clergy in the relief of spiritual destitution in populous places: the Primate recently stated that nearly thirty millions of money has been spent during the last forty years in the restoration or building of churches. It is due to a member of the episcopal bench that the prominent evils of patronage, involved in the sale of next presentations, have received the attention of Parliament; and the Bishops' Resignation Act of 1869, which provides for the due discharge of the episcopal office in the case of bishops incapacitated by age or infirmity, has recognised

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laïques. M. Thorbecke, qui personnifiait le mouvement libéral, exerça une influence prépondérante sur le parti libéral, et le maintint dans les bornes de la modération; depuis sa mort, le libéralisme de Hollande tourne de plus en plus au radicalisme.' (Albrespy, 'La Liberté comme en Belgique,' 1876, p. 46.)

[1] See *ante*, p. 197.

[2] Compare 'Memoirs of Bishop Blomfield,' London, 1863—himself the chief promoter of these reforms. The increase of the number of the clergy from about 11,000 in 1831 to 14,613 in 1841, and to 19,195 in 1861, exceeds in the proportion of eight to five the increase of the population in the same period.—'Quart. Rev.', January, 1868, p. 253.

the principle that the episcopal, like other offices and dignities, is a trust.

Political progress of Dissent.

On the other hand, it is impossible to deny that the enormous increase of dissent has seriously compromised the position of the Church as a national establishment. Internal schism among the various sects,[1] deprives them to a large extent of that force which springs from cohesion—the Wesleyans alone have been split up into nine sections—but the removal of their civil disabilities has given them a political importance which has found frequent expression in Parliament. The vexed question of Church-rates—their earliest grievance during this period —was finally settled in 1868 by a legislative compromise, which surrendered the principle of compulsion, but gave a legal sanction to voluntary payments, and provided machinery for their assessment and collection. The University Tests Act of 1871 dispensed with the requirement of any religious test or formulary for admission to lay academical degrees, excluding the Dissenters only from headships of colleges and professorships of Divinity.

Church parties in England.

Within the English State-Church meanwhile, three opposite tendencies have been exhibited, each of them resting more or less on corresponding varieties of doctrine. The High Church party demands to be freed from the unlimited dominion of the State and the autonomy of Convocation, which is a pure synod of the clergy. The Broad Church party, on the contrary, wishes to maintain the present relations, on the ground that State control only can render possible a tolerant conception of ecclesiastical symbols, while autonomy would lead to the splitting up of the Anglican Church into a multitude of sects. The third, or Low Church party, lay particular weight on practical religion and philanthropy, while their Evangelical tendencies incline them to friendly relations with the Dissenters, under whose guidance a large portion of the working-classes are ranged. As regards the upper classes, a wide spread feeling of attachment to the National Church, whether due to tradition or sympathy, has not prevented the inroads of unbelief and indifferentism on the one hand, and of what is known as Ritualism on the other. The progress, indeed, of the latter has been so alarming as to provoke the interference of Parliament. As early as 1851 the innovations in public worship had called forth a memorial, containing 230,000 signatures, to the Queen, who sent it to the Primate. Practices, alleged to be avowed imitations of Romanism, led to angry litigation, and in 1859 to popular disturbances in a London parish. The Ritual Commission which reported in favour of restraining novelties in respect of vestments, recommended the adoption of some easy and effectual process of complaint and redress for aggrieved parishioners.[1] An address to the Archbishops (May 5, 1873), signed by 60,000 persons of weight and influence, drew further attention to the magnitude of the evil. The Archbishops in their reply (June 16) recommended moderation, but they showed their sense of the gravity of the situation by introducing in the following session a Bill, the object of which, as expressed, not indeed by its episcopal sponsors, but by its supporter, Lord Beaconsfield (Mr. Disraeli) was to 'put down Ritualism.' The measure gives power to any archdeacon, or churchwarden, or any three aggrieved parishioners to complain to the bishop against changes introduced, without lawful authority, in respect of ritual or

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[1] The Legislature interfered in 1844 by means of the Dissenters' Chapels Bill to protect the endowments of rival sects from being wasted in ruinous lawsuits. That measure provided that where the founder had not expressly defined the doctrines or form of worship to be observed, the usage of twenty-five years should give trustees a title to their endowment.—May's 'Const. Hist.,' iii. 200.

Ritualistic movement.

Public Worship Regulation Act, 1874.

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[1] First Report, August 19, 1867.

worship; a right of final appeal lying to the Archbishop, who may refer the case to the Privy Council. A new tribunal is created, under a civil judge, who must be a member of the Church of England, for exercising the jurisdiction of the provincial courts of Canterbury and York. But the hope that the inferior clergy would be restrained by these provisions from their Romanising tendencies, would establish an understanding about the ritual to be followed, and thus put an end to the unceasing controversies on that subject, has proved as mistaken as the expectation that the Act would rouse the Protestant feeling of the population belonging to the Church.

Episcopal Allocution.

In an Episcopal Allocution,[1] issued from Lambeth Palace (March 1, 1875), and signed by the Primate, the archbishop of York, and twenty-four bishops, the heads of the English Church acknowledged for the first time the dangerous position in which she stood. While recognising the vast increase of spiritual activity, they lamented especially the 'interruption of sympathy and mutual confidence between the clergy and the laity,' through the 'feeling of distrust awakened by changes in the mode of performing public worship, which, though sometimes unimportant in themselves, were introduced without authority and often without due regard to the feelings of parishioners.' They noticed the 'refusal to obey legitimate authority, not only as against the bishops, but even the highest judicial interpretation of the law'—the 'growing tendency to associate a doctrinal significance with rites and ceremonies which do not necessarily involve it'—the 'dissemination of practices repugnant to Scripture and the principles of Apostolic Church, as set forth at the Reformation.' But this exhortation, to which the bishops of Durham and Salisbury refused to subscribe, has been of no avail; and the protracted debates in the Convocation of Canterbury, where the proposed ritual was discussed in its minutest details, have led to no practical result. The Public Worship Regulation Act remains little more than a dead letter; because the bishops know that if they enforced it energetically, they would provoke a schism in the Church.

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[1] See 'Times,' March 8, 1875.

Attitude of Mr. Gladstone.

It cannot be doubted that the position taken up by Mr. Gladstone in these questions has exercised a great influence. He had formerly been an adherent of ritualism, and maintained that it corresponded to the essence of the Church of England. He adheres to this view still, after his crusade against Vaticanism. In his essay published in the 'Contemporary Review,' under the title of 'Is the Church of England worth preserving?' he declares that a vigorous enforcement of the ecclesiastical laws would lead to the disintegration of the Church. She can only continue by giving room to the different tendencies existing within her limits, and to the various modifications of ritual and liturgy, which are the expression of those views. The Church of England should be large-hearted and tolerant in respect of ritual as well as of doctrine. The ritualistic movement has nothing disquieting for the independence of the Church; and it is of the highest importance to spare the feelings of a respectable party, which will neither be Roman, nor exclusively Protestant.

Admitting to their utmost the purity of the motives that have prompted Mr. Gladstone to express these views of the present movement, it is scarcely conceivable how he can blind himself to the effect such language must produce when uttered by a man in his position. Ritualism in itself would be without any power, if it were not the pretext for introducing Romanising doctrines; and every encouragement given to it must pave the way for the progress of the Catholic Church and the dissolution of the Church of England. Puseyism and the milk-and-water popery of Dr. Newman cannot hold against the inroads of Ultramontanism any more than can the weak plant of Old Catholicism. It may be doubted whether this state of things can last; and we think it would be a gain to the Protestant cause if the Ritualists would openly secede from the Church, to which in fact they no longer belong. That at the present time a national Church, which embraces scarcely half the population of the country, should be governed by Parliament and the Privy Council, is in many respects an anachronism, must be admitted. But we doubt whether the moment for its disestablishment has yet arrived. It is easier to predict the inconveniences which such a step would entail, than to specify the practical advantages to be attained.[1] The Church of England is so deeply entwined in the history and the institutions of the country, that its dissolution would involve a most serious political revolution; and it satisfies moreover the religious wants of a large portion of the people, which prefers the maintenance of the great religious truths to the nicer theological divisions which underlie the various shades of Dissent. The Dissenters deserve all admiration for their pursuit of practical religion, but they make their system of faith rest on the assertion of one-sided and often very questionable dogmas. But whatever the ultimate issue may be, we have not the slightest doubt that England will maintain her Protestant character; and if the forms of her national Church decay, will find new forms for the old spirit.

Question of Disestablishment.

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[1] In the House of Commons Mr. Miall's motions for disestablishment (May 9, 1871), and for a Royal Commission to enquire into the property of the Church (July 2, 1872), were rejected by large majorities, drawn from both sides of the House. Parliament plainly shows a weariness of a subject which involves at present the discussion of abstract propositions. A motion for the disestablishment of the Church in Wales (May 24, 1870) was rejected by 209 against 65.

Church Patronage (Scotland) Act, 1874.

The same session of 1874, which was remarkable for the campaign against Ritualism, witnessed also the abolition of those rights of patronage, with regard to the Established Church in Scotland, which had been restored by the Act of Queen Anne. The election and appointment of ministers to vacant Churches were now vested in the congregations, subject to regulations to be framed by the General Assembly. The Crown surrendered its right of nominating to parishes—the only form of patronage it possessed, since there are neither deaneries nor canonries in Scotland. Compensation was to be awarded to lay patrons, on petition to the sheriff of the county, to an amount not exceeding one year's stipend. In case of a vacancy in a parish not being filled up by the congregation within six months, the right of appointment was vested in the presbytery, who might appoint a minister *tanquam jure devoluto*.

Attitude of the Free Church.

The measure, introduced by the Government in deference to the wishes of the established clergy, was opposed by Mr. Gladstone on the ground, among others, that no overture was made in it to the Free Church to resume their connection which had been broken off by the Disruption in 1843. Without examining further the merits of this argument, it is sufficient to point out that the subsequent action of the Free Church tends to show that any such overtures would have been in vain. Apart from the fact that the concession came too late, the quarrel, at the time of the disruption, had gone beyond the mere question of patronage to the broader principle of the exercise of spiritual jurisdiction by civil courts.[1] The resolution, passed by a majority of 116 votes against 33, in the commission of the Free Church General Assembly (November 19, 1874), is an authoritative declaration on this point. While maintaining the 'duty of a national recognition and promotion of scriptural truth,' it reiterates a protest against the principles of law laid down by the House of Lords and the Legislature during the proceedings which led to the disruption. To hold that the Church is bound to obey the directions of the civil court relating to the civil rights of her members or to the statutory duties of her ecclesiastical authorities, is to encroach upon the scriptural liberty of Christians. The Patronage Act, it is stated, does not profess to change this principle of law, but tends rather to confirm it. Claims of this description, however their intrinsic merit may be regarded, are obviously incompatible with the present position of the Established Church in Scotland; and the resolution, therefore, is quite consistent in denouncing the existing connection of Church and State in that country as 'upheld on unscriptural and inequitable bases.'

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[1] See *ante*, p. 199. The Protest of the Commissioners to the General Assembly (May 18, 1843) complains, 'That the Courts of the Church, by law established, and members thereof, are liable to be coerced in the exercise of their spiritual functions; and, in particular,

Disestablishment of the Irish Church.

But the most memorable act of ecclesiastical legislation during the period was reserved for Ireland. The constant outrages by the Fenians and the continued suspension of the Habeas Corpus Act, brought the condition of that country before Parliament in 1868; when the Conservative Ministry, through Lord Mayo, proposed, among other measures of relief, to create a new Catholic University by Royal Charter, and to meet the religious difficulty by a policy of 'elevation and restoration.' The scheme, described by its opponents as one of 'level-

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in the admission to the office of the holy ministry, and the constitution of the pastoral relation, and that they are subject to be compelled to intrude ministers on reclaiming congregations in opposition to the fundamental principles of the Church, and to the liberties of Christ's people.'

ling up,' was in plain terms concurrent endowment;[1] equality being brought about by endowing the Catholic clergy and by increasing the *Regium Donum*, or annual grant to Protestant Nonconformists. Mr. Gladstone met these proposals with counter-resolutions, affirming that the time had come when the Protestant Church of Ireland 'must cease to exist as an Establishment.' The Government was defeated on these resolutions by a majority of 61; but the Suspensory Bill—a temporary measure, to prevent the creation of further vested interests in the Church—was defeated by the Lords after its passage through the Commons. An appeal to the country, however, resulted in the triumph of the Liberals and the accession of Mr. Gladstone to the Premiership with a majority of 120. The final Bill for disestablishment was introduced on March 1, 1869, and became law in the same session. The legislative union of the English and Irish Churches was now dissolved. The Irish bishops lost their seats in the House of Lords; the Maynooth grant and the *Regium Donum* were commuted. Commissioners were appointed to arrange compensation for ecclesiastics and patrons. The jurisdiction of all Church courts, as formerly constituted, was abolished; but the existing ecclesiastical law and ordinances were to subsist by contract, until alteration by the new representative body of the Church, which was to be formed into a corporation. The gross value of the Irish Church property was estimated at 16,000,000*l.* With regard to the surplus, after satisfying the life-interests of incumbents and other charges, it was finally agreed to apply it 'mainly to the relief of unavoidable calamity and suffering in such manner as Parliament shall hereafter direct.'

The Act did not come in force until January 1, 1871,

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[1] Earl Russell stated in his speech on the Irish Church Bill that he would have preferred concurrent endowment, but that it was now too late.

Reconstruction of the Irish Church.

but the Protestant bishops lost no time in preparing for disestablishment. In September 1869 a General Synod was convoked at Dublin—the first one that had met since 1713—which proceeded to devise a scheme of a general Church body of the clergy of each diocese to elect representatives, and this synod was shortly followed by a General Convention.[1] Some differences arose with regard to the question of lay representation. It was resolved (March 24, 1870) that the primate should be selected in future by the bench of bishops out of their own number; and a new ecclesiastical court was established, whose first duty has been to decide on a question of ritual. The prospects of the Disestablished Church are not altogether encouraging. It has developed different parties with remarkable rapidity; and the question of revision, on which the clergy and laity are opposed, has been pushed almost to the verge of schism. A large number of incumbents have taken advantage of the Act by commuting their life-interests into capital, in the hope of obtaining more lucrative appointments in England; but this exodus is partly explained by the fact that the staff of clergy was more numerous than the Disestablished Church could afford to support. The Sustentation Fund alone shows an increase of receipts; in other respects the last report of the representative body, submitted at the General Synod in April 1876, reveals a prospect which shows that the financial difficulties of Disestablishment are far from surmounted.

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[1] Cardinal Cullen (November 1, 1869) spoke of the Irish Protestants as 'groping in the dark, in a vain effort to build up with mortal hands an edifice worthy to be called divine.'

CHAPTER XXVI.

THE STRUGGLES OF THE PRESENT DAY.

AMERICA: Statistics of Catholic Progress—Political Influence of the Hierarchy—Their Attempts to control Education—Protestant Parties of Opposition—Question of Secular Education—The Voluntary System a Counterpoise to Ultramontanism.

GREAT BRITAIN: Unconciliatory Attitude of Catholics—Irish University Bill—Mr. Gladstone and Vaticanism—Progress of the Hierarchy—Aversion to coercive Legislation.

FRANCE: Ultramontane Reaction since 1870—Official Support of Clericalism—Ultramontane Demands in Education—Bill of M. Jules Simon—University Education Law, 1875—Dangers of Radicalism.

SPAIN: Constitution of 1869—Liberty of Worship opposed by Rome.

BELGIUM: Clerical Domination—The Priests and the Liberals.

ITALY: The Government removed to Rome—Law of Papal Guarantees—Religious Corporations Bill—Results of Recent Legislation—Relations between the Vatican and the Government—Prospects of Reconciliation.

AUSTRIA: Legislation of 1874—Regulation of Internal Autonomy of the Church — Protests of the Pope and Bishops — Firm Attitude of the Government—Position of the Old Catholics.

SWITZERLAND: Radical Dictatorship at Geneva—Appointment of Bishop Mermillod—His Quarrel with the Government—Civil Constitution of the Church—Catholic Disunion—Conflict in the Bernese Jura—Removal of Bishop Lachat—Establishment of State-Church in Berne—Revision of the Federal Constitution.

GERMANY: Friendly Relations with Rome before the French War—Reversal of State policy in Prussia—New Catholic Party of the *Centre*—Harsh Conduct of the Government—Church Legislation of 1871—Case of Dr. Wollmann—Expulsion of the Jesuits—The Falk Laws—Confusion of Civil and Spiritual Competence—Resistance of Catholic Laity—The Würtemberg Law of 1862—Supplementary Legislation against the Church—Banishment of recusant Clergy—Compulsory Civil Marriage Law

—The Struggle in 1875—The Pope and the Emperor—Encyclical to Prussian Bishops—Withdrawal of State Salaries—Administration of Church Property—Bismarck's Circular on the next Conclave—What the Catholic Church will never assent to—Survey of the Struggle—The Way to conquer Ultramontanism.

CHAP. XXVI.

Paramount importance of Church and State question.

If, in the brilliant circle of princes and statesmen assembled at the Congress of Vienna, anyone had ventured to suggest that, before two generations should have passed away, the question of the relation of Church and State would stand out foremost among those which involve great national interests, such a prophecy would probably have been met by the incredulous smile of those who then ruled the destinies of Europe. They considered a struggle between Church and State as a thing of the past, and were far from believing that the latter, which owed her restoration from deep abasement simply to the goodwill of the sovereigns, could ever become dangerous to the powerful modern State.[1] It has been reserved for our time to dispel these fond illusions; to show that only the utter exhaustion which followed the desperate struggles of the sixteenth and seventeenth centuries, and the utter religious barrenness of that later epoch, could engender the belief that philosophy would henceforth take the place of religion; and to reassert the grand truth, attested by all history, that religious passion is, for good or for evil, the strongest moral power of humanity. In proportion as that exhaustion was succeeded by new life in the Church, the powers of positive religious belief recovered their force; and with the progress of this movement the relation of Church and State has become once more the great question of the age. We shall endeavour to give a rapid survey of this question, as it stands in the different countries.

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[1] It is strange that even so acute an observer as Ranke could in 1838 introduce his 'History of the Popes during the Sixteenth and Seventeenth Centuries' with the following observation:—'What is it that even to-day can make the history of the Popes important to us? Not their relations with us, which exercise no considerable influence, nor fear of any kind, the times are past where we need fear anything, we feel ourselves too well protected.'—Preface, p. xviii. Macaulay (Edin. Review, October, 1840) took a different view, notwithstanding the praise he bestowed on the book.

(a) *America—Great Britain.*[1]

Catholic progress in America.

While the great struggle about slavery in America, which led to the contest between North and South, continued, public attention was to a large extent withdrawn from religious issues. But this great question once settled, the nation has become seriously alarmed at the rapid growth and rising pretensions of Catholicism. It is difficult, indeed, to arrive at a definite statement of the exact number of its adherents, as the census does not give the absolute strength of the various denominations. But of the enormous increase of Catholics there is no possible doubt. In 1776 they numbered about 25,000 in a population of three millions; in 1808 they were 100,000 in a total of 6½ millions; in 1830, 450,000 out of 17 millions; in 1860, 4½ millions out of 31 millions; in 1870, 8½ millions, or one-fifth of the whole population. They have more than doubled, therefore, every decade; while the general population increased at the rate of 35 per cent. The explanation of this fact is to be found in the acquisition of territories formerly belonging to Catholic States, such as Louisiana, Florida, and Texas, and in the vast immigration from Catholic countries, Ireland alone sending more than two millions between 1830 and 1870. Still more startling is the accumulation of ecclesiastical wealth. In 1850 it was estimated at 9,254,758 dols.; in 1860 at 26,774,119 dols., or an increase of about 189 per cent.; and in the last decade it rose, at the rate of 128 per cent., to 60,985,565 dols., the Catholics having distanced all Protestant denominations except the Methodists.

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[1] The facts contained in this portion of the chapter are mostly taken from an essay of F. Ellingwood Abbot, 'The Catholic Peril in America,' in the Boston 'Index' of June 8 and 15, 1876. We must demur, however, to the conclusions which the author of that essay has drawn from his statement of facts.

Political influence of the hierarchy.

It is but natural that such a power must exercise a vast influence in a country of universal suffrage, where everything depends upon the votes of the people. Here, even more than in most European countries, the Catholic laity, consisting chiefly of ignorant Irishmen, have no ideas of their own. They seem strangers to the intellectual atmosphere in which they live, and are blind instruments of their priests, who may under any pretext rouse their fanaticism. The clergy cannot, of course, enforce their principles of canon law before the civil courts of a State which regards all religious communities as simple voluntary associations; but, on the other hand, they are subject to no restriction from the civil power. The sixty-four bishops, with the newly elected Cardinal McClosky at their head, constitute a hierarchy with absolute power over the priests and the Catholic press; and since the entire church property in a diocese is virtually in the hands of the bishop, the laity, no less than the inferior clergy, are powerless against him.[1]

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[1] The usual method of procedure is this: the bishop is constituted sole and personal proprietor of the Church property, but the very day he takes possession of his see, he signs a deed transferring the whole to his successor, whose name is filled up, together with the date, as soon as the first bishop dies or resigns, and who appears as purchaser of the property. In California even this evasion is unnecessary, since at the time when the State became a member of the Union, the Church there was already in possession of large property. This arrangement does not exclude the bishops, in cases where it suits their purposes, from making use of trustees. In some States the priests are by law trustees, in others the latter must be laymen; but these being of course Catholics, are mere men of straw, while the clergy practically govern.

Now the plan and object of this hierarchy, which is fast becoming the richest corporation in the land, is to throw the whole weight of the 'Catholic vote' into the scale of whatever party is willing to support the Catholic claims. It is a fact that the Tammany ring, which plundered for several years the public Treasury, was mainly supported by the Irish vote; the members of the 'ring' appropriating, in return, large sums to Catholic institutions,[1] which during three years got no less than 1,396,389 dols., while the Protestants had to be satisfied with 112,293 dols. In the same way, at every election, where there is a sufficient number of Catholic voters to turn the scale, they employ the franchise as a means to obtain their special ends; and the Catholic press is already boasting that in 1900 they will elect their own President.

Their educational campaign.

But the principal battle-field is the question of Education. No one, better than the Roman Church, appreciates the truth, that whoever has the school, has the future in his hands; and the Catholics are well aware that, notwithstanding their rapid growth, they lose a large number of Catholic children through the constant contact of decatholicising influences in a still preeminently non-Catholic community. They began with complaints against the use of the Protestant Bible in public schools, read 'without note or comment.' They appeared satisfied when the educational boards granted the introduction of a translation approved by the Catholic authorities; and until 1852 no further objection was made. They then protested against a system which did not include separate instruction in the Catholic faith and Catholic Church doctrine; and accordingly directed their attack against all public schools which bore either a Protestant or a secular character.

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[1] The Catholics have founded savings-banks and similar establishments, which are of course exclusively managed by Catholics, and only accessible to such.

CHAP. XXVI.

Meanwhile they set eagerly about establishing Catholic parish schools. 'It is our solemn injunction, and most positive demand,' said Bishop Gilmour of Cleveland, Ohio, in his Lenten Pastoral of 1873, 'to see that every church in the diocese should have its school. Wherever a congregation cannot at once build both school and church, let them first build the school-house and wait for the church. There is little danger of the old losing their faith, but there is every danger of the young doing so. If we are Catholics, we must leave after us a Catholic youth; and experience has shown that this cannot be done unless the children are early taught, and daily taught, that they are Catholics.' The laity have not failed to respond to these appeals, and the 'Catholic Directory' shows that every diocese contains numerous parochial schools,—in Baltimore, to wit, there are 61, with an attendance of 13,916 scholars—which in many places have seriously lessened the attendance at the public schools, and in some have almost broken those schools up altogether. Nor is this crusade against the public schools, which the Catholics affirm to be managed in the interests of Protestantism, satisfied with the erection of separate schools by the Catholics at their own expense. The clergy strive, and that successfully, to get the management of public schools themselves into their own hands. Wherever they succeed in this attempt, their next step is to elect Catholics as members of the School Boards; and in this way to obtain the direction of the schools, the selection of Catholic teachers, and the use of funds for this special purpose.

Causes of their success.

The success of this hierarchical plan of campaign is aided by the divisions among the various Protestant sects, which in many places are too weak to hold out against the powerful organisation of Romanism, reposing on a theory which forms a self-consistent and logically compacted whole. It is aided, further, by the politicians who are ready to make any sacrifice for party success, and scruple not therefore to bargain with those who hold the balance of the suffrage that leads to power. Lastly, it is aided by the average inferiority of the public schools, to which an impartial observer, Mr. Matthew Arnold, bears testimony. The material prosperity of the country is an obstacle to systematic education. Almost the only servants are negroes, Chinese, or Irish of the first generation: children's labour amongst the middle classes is too lucrative to be dispensed with; the whole family has to work. In the western and middle States the elder children are occupied on the farm; and can only go to school, therefore, in winter—a period often of only four months; the summer school is merely for the young. Even in the eastern States the school attendance is irregular: in New York 1,028,210 children were enrolled in 1870, but the average attendance was only 493,648. Although the public schools cost vast sums (in New York the cost in 1874 was 2,800,000 dols.), they have no good teachers. The latter are usually paid by the month, at a rate wholly inadequate to secure trained instructors. Only 3 per cent. can be called trained; these are partly college-students or clergymen not yet in place. Most of them, however, are women; the proportion being, according to the last census, 2,100 out of 2,400,[1] a result due not to choice but to necessity, men being able to make so much more in other professions. If we consider, further, that there is no national system of education, the erection of schools being a matter left to each State, county, or city, it is not surprising that as no thorough culture is to be found in the public schools, the Catholics, in thus supporting at whatever cost their own schools, and working hard to raise them to a higher standard of efficiency, should meet with general success.

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[1] These facts are taken from the United States Census of 1874.

Protestant parties of opposition.

This state of things has roused, however, the Protestant majority from the indolence with which until lately they regarded the progress of Catholicism. In the reaction which has set in we may distinguish four parties. The first wants to revert to the former system of maintaining state education, but reading the Bible without note or comment, and also Protestant hymns and prayers. The second adopts the Catholic premiss that religious education is of paramount importance; denounces the State schools as a mistake, and demands purely denominational schools. The third demands an amendment of the Constitution, establishing a distinct national recognition of Protestant Christianity. Opposed to these three are the Liberals, who claim a purely secular education and system of government, insisting also that all public grants for religious purposes should be forbidden, that the exemption of religious institutions from taxation should be abolished, the use of the Bible in the public schools suppressed, the oath and all laws aiming at the enforcement of Christian morality abrogated, and no peculiar privileges or advantage conceded to any religion in particular. This party acknowledge that they have accomplished little as yet in the way of tangible results; but they are confident in their principles and proud of the partial adherence of President Grant, who in his message of December 7, 1875, recommended to Congress an amendment of the Constitution, making it the duty of every State to establish free public schools, irrespective of sex, colour, birthplace, or religion, forbidding the teaching of any religious, atheistic, or pagan tenets, and prohibiting the granting of any public money for the benefit of any religious sect.

Question of secular education.

It is much to be doubted, however, whether this movement will succeed. The State has certainly the right to forbid that public moneys, collected from the taxes paid by all citizens alike, should be applied for the purposes of a particular denomination; nor can any objection be raised against the abolition of that exemption from taxation, which Church property generally enjoys, or of the immunity of clergymen from military service and serving on juries. An Act of Congress (July 1, 1862) has even enacted, that no corporation devoted to religious purposes shall possess landed property in one State to the value of more than 50,000 dollars; and the laws of the various States define how large the capital or revenue of Church societies may be, what shall be the maximum salary of the clergy, and what the conditions of enjoying corporate rights. But the establishment of a purely secular instruction in public schools would certainly not answer the purpose of checking the progress of Catholicism. It is impossible to make attendance in these schools compulsory on all children; and thus the consequence would simply be to give a new impulse to the parochial schools of the Catholics, who would withdraw at once their children from the public schools; moreover, experience has amply shown that the demonstrations of science and the influences of secular civilisation are utterly powerless against the intellectual unity of the Catholic system.

Protestant opposition to the hierarchy.

A much weightier consequence of this Catholic expansion has been to rouse the zeal of Protestant denominations. The most thoroughgoing of the above-named parties, called the Christianisers or Evangelical Radicals, who seek to give a distinct Protestant character to the whole administration, can scarcely expect to succeed, notwithstanding the earnest enthusiasm and intense fixity of purpose of its adherents; for the number of Catholics is too large to submit to such a system, and the latter would subvert those constitutional principles which hitherto have prevailed in this respect. The second party, the Evangelical, composed of different sects, demand a system of education which shall be at once unsectarian and Christian, though opposed to Catholicism as well as to infidelity; schools conducted, as they were generally in former times, with the Bible and Protestant prayers, hymns, and books; and they seem to have a fair chance of success, wherever Catholics do not command a majority. But the most powerful antidote against the Ultramontanes are certainly the denominational schools. It is true that they favour a spirit of narrow sectarianism; but this is the consequence of so many sects existing in America. The voluntary system, as a whole, has unquestionably its dark sides. It makes the clergy absolutely dependent on the members of the congregation, who pay them; they cannot well oppose things the public disapproval of which would make them unpopular, nay, might entail their dismissal. Not a preacher in the South as we have noticed before,[1] ever uttered a word against slavery. And since they are bound to please the masses, they easily address themselves to their weaknesses, and prefer the sensational harangue to the simple proclamation of Evangelical truth. Politics, accordingly, are constantly brought into the pulpit; between 1865 and 1867 the chaplain of Congress prayed daily that President Johnson might be humbled, and his own party exalted with glory.[2] Besides all this, the voluntary system leads to the greatest inequality in the position of the clergy. While popular preachers at New York draw large salaries from their admirers, others in small communities

The voluntary system a counterpoise to Ultramontanism.

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[1] See *ante*, Vol. I. p. 8.

[2] 'The best known preacher in America gains his notoriety solely by the freedom with which he discusses on Sunday morning, from a text of Scripture, the acts of public men and the turn affairs are likely to take.' (Jennings' 'Eighty Years of Republican Government in the United States.' London, 1867.)

must live by the work of their hands;[1] while as regards the Churches themselves, their unlimited liberty tends essentially to make them mutually exclusive. Yet, with all these drawbacks to the voluntary system, it cannot be denied that, in a population made up of so many various congregations, it is the only logical solution of the difficulty; and the result shows that its achievements are considerable, and that it does not prevent religion from maintaining a great position in the national life.

Unconciliatory attitude of Catholics in England.

In England those who hoped that the abolition of civil disabilities would have converted the Catholics into citizens of the State like any others, have been grievously disappointed. They find that unlimited liberty has given an enormous advantage to that aggressive system, of which the basis is the denial, and the object the suppression, of most things that Englishmen prize most highly. Undoubtedly there were strong reasons of equity and justice, which advocated the disestablishment of the English Church in Ireland. But subsequent events have dispelled whatever hopes could fairly be entertained that the measure would pacify the spirit of Ultramontane aggression in that country. The concessions of Mr. Gladstone only encouraged the turbulent classes in Ireland to put forward additional demands; the Home Rule agitation followed the Church Bill and the Land Bill as the Repeal agitation had followed Catholic emancipation. Fenianism, it is true, has never met with support from the Vatican; it was condemned by a special decree (January 12, 1870) among other secret societies dangerous to the Church. But the priests find their interests served by bidding for the support of the Home Rulers, and if

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[1] Lord Robert Montagu, in his 'Four Experiments in Church and State and the Conflicts of Churches,' 1864, shows from American evidence how inadequate is the supply of churches and ministers under the voluntary system.—[Tr.]

Irish malcontents supported by the priests.

their overtures are somewhat contemptuously received, when accompanied with spiritual pretensions, they understand to make capital out of political disaffection.[1] Two notorious cases have recently exposed their efforts to influence the elections in a manner that brought down the strongest condemnation from the judicial bench.[2]

But in Ireland, as elsewhere, the main pretensions of the priesthood are concentrated on the question of education. Scarcely had the Irish Church Bill been passed, when a Catholic manifesto, issued from a meeting at Maynooth College (September 1, 1869), announced the demands of the hierarchy, and a few weeks later Archbishop McHale and the Tuam clergy inveighed against the 'malignant influence of the Protestant Church, continued in educational establishments in deference to Protestant ascendency.' These demands were put forth categorically in a later Pastoral of the Roman Catholic bishops.[3] They insist on the total abolition of mixed education, as 'dangerous to faith and morals,'[4] and assert their right to the sole superintendence of both the higher and lower education of the Catholics of Ireland. In all primary schools that are exclusively Catholic, there is to be a 'removal of all restrictions upon religious instruction.' As to intermediate education, they demand that all existing endowments, whether derived from Catholic or Protestant bounty, shall be thrown into a common fund, and applied to open scholarships or grants in aid of middle-class schools, on the principle of payment by results. The State, in short, is to surrender all control over Catholic education to the priesthood, and content itself with providing the necessary funds for that purpose. These claims were worded in sufficiently peremptory language, but in reality they only reechoed the doctrine of the Syllabus, which stated that 'the Government of the public schools of a Christian State cannot, and ought not to, belong to the civil power.' It is characteristic, however, of the spirit that dictated them, that the very bishops who had repudiated the notion of concurrent endowment, when the question of Protestant disendowment was raised, now demanded a monopoly of endowment for Catholic education.

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[1] Fifty-one Liberal Home Rulers were returned at the General Election in 1874. Mr. Butt is reported, however, to have said that he would never tolerate religious ascendency.

[2] At the Galway Election threats of punishment in a future life were brought to bear against the opponents of the Home Rule candidate. Mr. Justice Keogh, in reporting against the election, denounced several priests and one prelate as guilty of a 'gross conspiracy.' The persons implicated were acquitted, however, by a Dublin jury, and the judge was burnt in effigy by the mob. The counsel for the defence argued at the trial that the clergy are justified in advising their flocks on the discharge of a moral duty.

[3] 'Pastoral of the Irish Hierarchy on Education,' Dublin, 1871. 'No man,' said Cardinal Cullen in November, 1871, 'can approve of mixed education but free-thinkers, infidels, and atheists.'

[4] Proselytism was one of the reasons urged for denominational education, it being alleged that the mixed system in primary schools led to Protestants endeavouring to seduce Catholic children from their faith. Lord O'Hagan, however (the Irish Chancellor, and a Catholic), declared in Parliament in 1864 that no case of proselytism had ever

Irish University Bill, 1873.

The same general pretensions were advanced when in 1873 Mr. Gladstone introduced his Bill relating to Irish Universities, in which he attempted to extend to higher education in Ireland the same principles of strict equality which he had already applied to the Church. It was then made abundantly clear that equality, whether religious or educational, will never satisfy those whose real object is ascendency. It may fairly be admitted that Catholic parents had a substantial grievance, in seeing their sons

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been proved against a national school in Ireland. The fact is, that a rule, existing since 1868, makes such practices impossible, by declaring that 'no child, registered as a Roman Catholic, shall be present when religious instruction is given by a Protestant.'

practically debarred from the best university training, unless they sent them to Trinity College or the Queen's Colleges, whose traditions are almost wholly secular. A Roman Catholic University had been founded at Dublin in 1851, on the model of that at Louvain, and the bishops, in their above-mentioned Pastoral, had demanded for it a charter and separate endowments. But this University has been in a languishing condition since its foundation; and a memorial of its *alumni* to Cardinal Cullen (December, 1873) confessed that 'during that period not a single graduate has been appointed to any position whatever in the faculty of philosophy, of arts, or of science.' The main principle of the Bill was the incorporation of the 'ancient historical' University of Dublin, as a central institution, and its emancipation from the various colleges, which would have full powers to form schemes for self-government, the Legislature giving them only an open career and fair play.[1] But the cardinal fault of the measure, the defeat of which involved the ultimate fall of the Ministry, was the exclusion from the new University not only of theology, but also of moral philosophy and modern history. For what, indeed, is a University education which excludes those two most important branches of learning? And could not Ultramontane tenets be introduced just as well in the teaching of mediæval history? The error is the same as that committed by the advocates of secular schools. Nothing is decided by the exclusion of religious instruction, for the same questions arise from history and even from natural science. A Catholic teacher must view the history of the Popes and of the Reformation from the opposite point to that adopted by a Protestant; and a freethinker will laugh at the Biblical narrative of the Creation. The system, in short, if carried out, would reduce education to spelling and mathematics; for the religious point of view is so commanding that it takes in the whole field of instruction.[1]

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[1] Speech of Mr. Gladstone, on introducing the Bill, February 13, 1873.

Mr. Gladstone and Vaticanism

Since this last and fruitless effort to disarm Catholic aggression in Ireland by equality, Mr. Gladstone has discovered, when in the cold shade or, as it may be, in the bracing air of opposition, the dangers with which Rome threatens England. Four years after the Vatican Council, which at the time of its occurrence he regarded with equanimity, he has found out that Rome has 'refurbished and paraded the rusty tools of the past,' and denounces 'the design of Vaticanism to disturb civil society, and to proceed, when it may be requisite and practicable, to the issue of blood for the accomplishment of its aims.' Mr. Gladstone's error is, that he thinks there is anything new in these practices of Rome; but at the same time, it is certainly true that the Catholic Church has made great progress in England. Cardinal Manning has given an unmistakable answer to those who at the restoration of the papal hierarchy in 1850 maintained that Protestant England had nothing to fear from Rome. In a speech, delivered in October 1875, on the twenty-fifth anniversary of that event, he very adroitly appeals to the sentiments of justice, and declares that Catholics claim no privileges, but only that liberty which is granted to every Englishman. He maintains that his Church is a popular one, hinting that it has nothing in common with the aristocratic and class interests of other religious communities. Liberty of movement had been sufficient to raise the Church to perform a work, which in former times would have required a century; so that if ever England should prove hostile to the Catholic revelation of Divine truth, she would lose the last remnants of her Christian inheritance.

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[1] 'In England,' writes Cardinal Manning, 'such mixed and godless schemes of University education have become inevitable, by reason of our endless religious contentions. England has lost its religious unity, and is paying the grievous penalty.' (Letter to Roman Catholic Primate of Ireland, 1873.) In his speech, however, at the Ware Synod in the same year, he declares that 'the growth of a numerous middle-class, through the number of educated converts,' makes the University question in England one of pressing importance for Catholics. The project of a national Catholic University has dwindled down to the modest dimensions of a college at Kensington under Mgr. Capel, who has to contend with the wish of many Catholic parents to share in the advantages offered by Oxford and Cambridge since the abolition of tests.

Progress of the hierarchy.

And well might the Catholic Primate point with pride to the expansive energies of his Church. Looking at the 'Catholic Directory' for 1876, edited by his secretary, Mr. Johnson, we find that there are now in England twelve bishoprics under the metropolitan of Westminster; a cardinal archbishop, an archbishop *in partibus*, sixteen bishops, and 1772 priests. The number of places of worship is 1061, being twenty more than in the previous year, and 215 convents. The peerage shows a list of thirty-six Catholic members, the baronetage forty-seven. Scotland has 233 churches with 244 priests. It is to be observed, however, that while hundreds of thousands of Irishmen live in the great manufacturing districts of both countries—207,700 in Scotland alone, and probably as many more descendants from such, who are nearly all Catholics—nevertheless, not a single English Catholic occupies a seat in the House of Commons, every one of the fifty Catholic members being Irish. The whole British Empire, colonies included, contains twelve archbishoprics, seventy-one bishoprics, thirty-six apostolic vicariates, and seven apostolic prefectures.

These facts constitute undoubtedly a mighty progress. In 1758 Horace Walpole wrote in his flippant way, 'There are no religious combustibles in the temper of the times. Popery and Protestantism seem at a stand.

The modes of Christianity are exhausted, and could not furnish novelty enough to fix attention.' What would he have said, if, a century later, he had been alive to hear Cardinal Manning's triumphant statement, and witness the first Catholic peers of England heading a procession to a sanctuary where Christ is said to have appeared two centuries ago to a French peasant girl?

Aversion to coercive legislation.

Grave as these facts are, there seems, however—if we except a small but violent party—to be a general unanimity of opinion that any recourse to legislation, in order to combat this progress by curtailing the liberty of Catholics, would be objectionable, and would only play into the hands of Rome. Everyone, on the contrary, will reecho Sir William Harcourt's criticisms on the unnecessary awakening of theological strife. 'No public man who has a due sense of responsibility will set flames to such a material' (as theological controversy) 'unless under the pressure of absolute necessity, and if compelled to deal with it, he will restrict himself within the exact limits of political action. There is nothing more dangerous or more mischievous than to confound the province of practical statesmanship with that of theological controversy. If you are called upon to act, whatever may be the difficulty of these questions, you may be compelled to deal with them. But the error which is most strenuously to be avoided is that of denouncing men whom you cannot and do not intend to control, and of arousing the bitterest of all sentiments, that of theological hatred, in the breasts of the different sections of a people which embraces various creeds.' And a little further on he says with great force: 'I think ingenuity and eloquence cannot be worse employed than in persuading men who are as good citizens as ourselves that their religion calls upon them to be bad subjects. It may be all very good logic and unanswerable casuistry, but it is very bad politics. I do not mean politics in a party sense, but in its higher meaning—the polity which aims at compacting the interests and uniting the sections of an entire empire.'

(b) *France, Spain, Belgium, Italy.*

Ultramontane reaction since 1870.

The ecclesiastical policy of Napoleon III. had not been, as that of the Bourbons, one of absolute subjection to the clergy. But he had favoured them as a means of government; he supported the temporal power by his army in order to win the support of the army of French priests for the elections. His Italian policy, which proved unable to preserve the integrity of the Papal dominions, alienated the clergy, though he did not venture to withdraw the privileged position he had given to them. Thus the Church remained in possession of all her power, while recovering her liberty of action towards the Government, and proving her influence by forcing it to secure the Pope against the Garibaldian expedition of 1867. In this way the Church was saved from the discredit which came upon the whole Imperial system after Sedan, and was set free to profit by the revulsion of feeling produced by the national disasters and by the horror engendered by the savage outburst of hatred shown by the Commune against Christianity. A great national calamity exercises almost invariably a powerful reaction on the religious sentiment of the nation. From Jena may be said to date the revival of German Protestantism. In France this influence has been correspondingly manifested since the defeats of 1870–71, not indeed in the sense of a genuine religious regeneration, but in a blind subjection to the rule of the clergy. Since July 18, 1870, liberal Catholicism, so far as it still existed, has been doomed to silence. Its intellectual champions, such as Maret and Gratry,[1] submitted to the decisions of the

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[1] We have quoted already the letter to the Archbishop of Paris, in which Gratry recanted whatever he might have written against the

Vatican Council. The Old Catholic movement remained destitute of any significance. Ultramontanism had become the official creed of the Church, and found in France, humbled by defeat, the most congenial and favourable soil for its warfare against modern ideas. The episcopate did not wait for the peace to recommence the campaign for Rome. In the middle of February 1871 the archbishop of Rouen went to the German head-quarters at Versailles, nominally to obtain a diminution of the war indemnity; but in reality to intercede for the restoration of the temporal rule of the pope, as the most exalted mission of the German Empire, and the achievement of which would render the greatest service to Catholic and conservative interests. Immediately after the signing of the peace, the bishops organised mass petitions to the National Assembly, demanding an intervention for the temporal rule. The nature of this intervention was not particularised, but in any event it must have led to a rupture with Italy. The least thing demanded was that France should abstain from diplomatic intercourse with Italy: only with the greatest difficulty, and after purposeless and violent debates in the Assembly, could M. Thiers succeed in passing to the order of the day. There can be no doubt that at first the Church was hostile to the Republic. She distrusted the ability of M. Thiers to keep that Republic really Conservative; and she knew also that, notwithstanding his

Efforts for Italian intervention.

Vatican decrees. The archbishop answered in a letter of December 8, highly praising his entire docility towards the decision of the Church. 'Cette soumission est la gloire et la véritable grandeur du prêtre et de l'évèque; c'est aussi la seule sécurité de la conscience. Par ces nobles et génereux exemples nous prouvons au monde que nous sommes sincères lorsque nous soutenons que la lumière de la foi est supérieure à la lumière de notre faible et vacillante raison.'—'La Réforme Catholique,' par le Père Hyacinthe, p. 41. No doubt the only logical view for a Catholic, but at the same time the *sacrificium intellectûs* in plain terms.

opposition to the Italian policy of the Empire, he would never submit to her ascendency. The Orleanists, as traditional Liberals, were still more hateful. Napoleon IV. and his mother might be submissive enough to the Church, but they were out of the reckoning for the present. Accordingly, she sided openly with the Comte de Chambord, of whose subservience to the Church there could be no doubt.[1] Had the restoration of the Comte de Chambord been successful, war would in all probability have been inevitable; for the latter declared already in 1871 to a deputation of his adherents at Geneva, that there were two points in his programme he could never surrender, namely, the white flag and the restoration of the States of the Church.

This position underwent a change when the Comte de Chambord, by his famous letter of October 25, 1872, made his acceptance an impossibility; and shortly afterwards M. Thiers was replaced by Marshal McMahon, who was decidedly favourable to the Church. For the present, the clerical party finds itself restricted, in regard to the Roman question, to offensive speeches and vituperative pastorals; and the government at length (September 1874) abandoned the futile demonstration of sending a man-of-war to anchor at Civita Vecchia for the nominal protection of the pope. At home the Catholic party makes everything dependent on the position which people occupy towards the Church. Whoever is not for them is an enemy. The majority of the upper classes second these pretensions, even if they are sheer infidels at heart, because they see in the Church an indispensable ally against revolutionary and socialist tendencies, and because the bishops have the longest arm in the country, and their word is weighty for the distribution of places and honours. A Legitimist

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[1] The clerical papers, such as the 'Monde' and the 'Univers,' called him plainly the king.

Official support of clericalism.

deputy began with moving an order for universal prayer throughout France. The law of March 1872 against the 'International Society' threatened with penalties any demand for the abolition of religion. A decree of the prefect of the Rhone ordered that all civil burials should take place before seven o'clock in the morning. The prefect of Lyons closed the schools in which no religious instruction was given. In the debate on the law relating to military chaplains, the Assembly rejected the motion of several Protestant and Jewish deputies to release the soldiers of their respective persuasions from the obligation to appear at Catholic solemnities. On the other hand, the law of July 25, 1873, declared the building of a church at Montmartre, dedicated to the *Sacré Cœur*, in conformity with the request of the archbishop of Paris, to be advantageous to the public interest (*d'utilité publique*). The archbishop appealed for contributions, saying that Christ asked an altar to be erected on the hill on which His martyrs suffered. There His Holy Heart would be honoured, and the alliance of France with God be solemnly renewed; 'Qui refuserait d'apporter sa signature à ce traité de paix entre le ciel et la France?' The pilgrimages to Lourdes and Paray-le-Monial were favoured in every manner by the authorities, and actively joined in by Legitimist deputies.

Religious pilgrimages.

The characteristic feature of these pilgrimages, in which hundreds of thousands took part, lies not so much in the pretended apparition of the Virgin to a peasant girl, to whom she is reported to have said, 'I am the Immaculate Conception, and wish that people should come here in procession,' nor in the supposed miracles which the water at Lourdes is said to work, as in the fact that the French clergy officially sanction this superstition. There is nothing astonishing in the pope saying that these pilgrimages present 'a spectacle which delights men and angels,' for Rome has always favoured such exhibitions, as a connecting link between the centre of the hierarchy and the Catholic nations. But in France, at least, the clergy in former times, if they tolerated such superstitions, did not openly encourage them. Here, however, we have thirty-five bishops guaranteeing by their authority the reality of these miracles. A new congregation, that of the Sisters of the Immaculate Conception, has been founded as guardians of the shrine. A statue of the Virgin has been erected, and inaugurated with great pomp, and torchlight processions and fireworks, and Mgr. Mermillod informed his hearers, in a sermon preached on the occasion, 'C'est de la Vierge, c'est de son intervention, qu'il faut attendre la restauration du Christianisme intégral.'[1]

Similar apparitions have been related in other parts, the Virgin always being the authority appealed to, in order to secure the triumph of the Church, while Christ and God are comparatively unnoticed. But it cannot be denied that France, in cultivating this superstition, is sinking to the level of Spain and Italy; and that Montalembert went not a step too far, when, in his indignation against the unworthy successors of Bossuet, Fénelon, and Massillon, he complained to Döllinger of the abyss of idolatry into which the French clergy had fallen, and the utter transformation of Catholic France 'en une basse-cour de l'antichambre du Vatican.' One quotation will suffice to prove this. Bertrand, bishop of Toul, declared in a pastoral at the close of 1875, 'Pas d'intermédiaire entre le Père et Pierre. Les secrets de l'infini sont les secrets à eux deux, il (le Pape) parle avec l'assurance même de Dieu le Père.'

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[1] Precisely the same train of thoughts runs through Pio Nono's querulous allocutions and speeches. At a reception of a French deputation he assured them that by the prayers and intervention of the Immaculate Virgin and the Saints, God would awaken from His slumbers and hear their demands.' (Sept. 1875.)

Clerical demands respecting education.

The chief attack of the Ultramontane party was directed to the question of Education. The Empire had latterly somewhat altered the law of 1850.[1] The Minister Duruy, notwithstanding the opposition of the clergy, had seriously endeavoured to improve the instruction of the young.[2] Jules Simon now submitted the project of a law, introducing universal and compulsory attendance at school, but retaining religious instruction, and while not interfering with the schools of the Orders, forbade the certificates of ecclesiastical superiors to be held in future as sufficient vouchers for admission to the department of teaching. This proposal was assailed as irreligious by the party, headed by the bishop of Orleans. The obligation of school attendance was stigmatised as tyranny to parents and children. The bill died a natural death with the retirement of Jules Simon in May 1873, and the old arrangements continued in force. Freedom of instruction now became the watchword of the Catholics, because they alone possessed the necessary funds for establishing schools and universities; while they resisted the liberty of delivering public lectures, because these are the expression of modern ideas and are largely attended.

Bill of Jules Simon.

University Education Law, July 12, 1875.

Towards the attainment of these objects they have made an important step by the law on University Education, which passed its third reading on July 12, 1875, by a majority of 316 against 266. The clerical party, supported by the Liberal *doctrinaires*, succeeded in obtaining the complete independence of this branch of instruction from all State control. The main object of the bill was to abolish the monopoly, hitherto enjoyed by the University of France, of opening schools of law and medicine, and of conferring degrees. The Catholics obtained liberty to establish free universities of their own, but not the power to confer separate degrees. On this point, however, a compromise, suggested by the bishop of Orleans on the rejection of the original demand of the clericals, was finally adopted in Clause 13, which allowed students of Free Faculties, on proof of compliance with their rules, to present themselves for degrees before State Faculties or before a mixed jury, composed in equal parts of professors from the State and Free Universities. This gave the Ultramontanes in effect all that they demanded. The nominees of their own universities on the juries were sure to be enlisted in their interests; those of the State might at least be so also; and if only one of the latter voted with their own representatives, they had the majority at once. No sooner had the bill passed, than they erected a number of Catholic universities, to the support of which they devoted millions of francs. They knew that the present situation was favourable, and that if, as was very likely, it should change, many of their adversaries would hesitate to attack institutions once established. This idea proved to be correct. The elections brought about a change of Ministry, and M. Waddington, the new Minister of Public Instruction, introduced a bill, leaving the law as it was, except the one point of conferring degrees, the right of which he vested again in the State alone. In the remarkable *motifs* with which he introduced this measure, he said, 'Freedom of instruction is not in question; but that freedom does not include the right of conferring degrees, which belongs to quite a different province of legislation. The greater the freedom, the more stringent and effectual must be the control. The conferring of degrees is not the crowning of freedom of instruction, but its corrective. Interests of public health, of morality, of public safety are involved in this question: the degrees give access to public offices and other callings, which must be open to all, but to all on the same conditions. In order to obtain this equality there must be one judge, and that judge can only be the State.'

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[1] See *ante*, p. 233.

[2] His proposed improvements, in other respects, were confined to very narrow limits. The draught of amendments, prepared by the Minister, did not even receive the assent of his colleagues, amongst whom M. Rouher was decidedly opposed to compulsory instruction. For the whole question see M. Bréal, 'Quelques Mots sur l'Instruction publique en France.' Paris, 1872. 'Essais sur l'Instruction publique.' Par Ch. Lenormant. Publiés par son fils.

Nothing could be more reasonable. The free universities might educate their students as they liked; but the latter, if they wished to obtain a degree, were to present themselves for that purpose before State Faculties, and had only to give proof that they had attended certain lectures. But while the whole Liberal party hailed this bill with vehement applause, the Catholics immediately raised the cry of persecution, and Dupanloup declared that it was only the beginning of a general attack upon the Church. Absurd as this may seem, yet from the strictly Catholic point of view it is perfectly logical. There are no *causæ minores* in these matters: the absolute principles on which Catholicism reposes must be vindicated even in the smallest details: to attack these in any manner is to attack the system itself. The bill passed the House of Deputies by a large majority, but was rejected in the Senate by five votes.

Dangers of Radicalism.

It would be an error, however, to regard this state of things as final: it will last only as long as the present majority of the new Legislature continues. As soon as a Radical majority takes its place, the religious struggle will recommence.[1] In proportion as the Conservative circles of society surrender themselves to the Church, and as her wealth and influence increase, the hatred entertained against her by the Radicals and Socialists grows more intense. Voltairianism has turned into open Materialism, whose aim is to annihilate religion altogether. In a novel of Flaubert, immoral enough, but characteristic of the condition of France, entitled 'Madame Bovary,' an apothecary figures as the representative of this tendency. His idea is, that, as the priests cannot be killed off outright, they should at least be bled once a week. It has become the custom among freethinkers to refuse all religious ceremonies at funerals, on which so much stress is laid in Catholic countries. In February 1871, the newspapers reported from Toulouse that Citizen Leballeur had been buried amidst the sound of trumpets, and with the Red Flag carried before his coffin; and that the Republican prefect had boasted at his grave, that he had died an incorruptible Democrat, and a good Materialist and Atheist, in the hope that the coming generation would see the earthly paradise of a universal Republic. Notwithstanding, therefore, her great progress, the Church in France, as opposed to Revolution, may fall into a still more serious danger than she has ever yet encountered since 1793.

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[1] A symptom of this hostility is to be found in the language of the Radical papers, on the recent vote in the Senate rejecting the Bill. It is denounced, not because it serves a bad cause, but because it

Liberty of worship in Spain.

In Spain the new Constitution of 1869 formally sanctioned the liberty of religious worship.[1] The Court of

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opposes the tendency plainly manifested at the last election by universal suffrage to the House of Deputies.

[1] Recent events have shown that the liberty conferred by clause 11 is not so absolute as was supposed. The Government has found it prudent to forbid Protestants to give any public notice of their services, whether by placard or otherwise, or even to keep the doors of their churches open during divine worship. The bishop of Minorca has just published the following circular in his diocese: 'We renew and reiterate our sentence of the highest order of excommunication against heretics of every sort, kind, and description, against their pupils

Rome indignantly protested against this violation of the Concordat of 1851, which had provided that no form of worship, except the Catholic, should be publicly exercised. When this grant was confirmed, after the accession of the present king, the pope renewed his protest (August 13, 1875), and in a brief, addressed to the archbishop of Toledo, complained in violent terms of the infringement of treaties, by sanctioning the toleration of non-Catholic forms of worship, as a violation of faith and of the rights of the Church, which opened the door to the propagation of errors, and would provoke a series of evils for this august nation, which has always maintained the principle of Catholic unity.

Clerical domination in Belgium.

Not more edifying is the spectacle presented by Belgium, where, in consequence of the unfortunate manner in which the separation of Church and State has been effected,[1] free institutions have been made subservient to the domination of the clergy. It is true that in 1872 the Ministry of M. d'Anethan was forced to retire—having been heavily compromised by the bankruptcy of its *protégé*, the Papal Count Langrand Dumonceau—before the universal indignation, which Leopold II. wisely turned to account, by dismissing the Cabinet, although it had

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or adopted children, against their fathers, mothers, preceptors, and all who sit at meat with them. We fully excommunicate all who aid or look kindly on them; we excommunicate the domestic servants of all heretics; we excommunicate all and every person or persons who dare to let a house to a heretic or Protestant for school or services, and everyone who gives money, or makes a loan, or leaves a legacy to such persons; we excommunicate everyone who lives on terms of friendship with such heretic, and everyone who dares to say or write one word in their defence. The clergy of my diocese are commanded to read this out on three successive Sundays during Divine Service, and take good care that all its injunctions shall be carried out to the letter.'

[1] See *ante*, p. 113.

the majority in the Chamber.[1] But although the clerical party has tolerated since then the moderate Ministry of M. Malon, because they cannot yet afford to dispense with its services, they rule none the less for that reason. The national schools are under the absolute control of the clergy.[2] The middle-class schools alone, which belong partly to the town communes, partly to the State, are comparatively independent. The daughters of parents in the upper classes are uniformly educated in convents. The free University of Brussels is far inferior in importance to the University at Louvain, where simply the doctrines of the Syllabus are taught.[3] In the State Universities of Liège and Ghent the Ultramontane Ministers are constantly pushing in more of their adherents. The number of convents is rapidly increasing; in 1846 there were 779 with 11,968 inmates; in 1866, 1,316 with 18,196, and it is calculated that there are now two convents for every three parishes. The regulations against mortmain are systematically evaded: the Orders constitute themselves into societies, whose members appoint each other mutually as heirs of the property. The legacies bequeathed to churches and convents have amounted since 1831 to an annual average of 100,000 francs, and the donations are still more considerable. The real property, belonging to the various orders and congregations in Brussels, Ghent, Bruges, Antwerp, Liège, Mons and Namur was estimated in 1874 at twenty-three millions; their personal property admits of no valuation. Every larger town has its newspaper, which is under the direction of the bishop. Hotels or cafés, which take in Liberal papers, are denounced by the clergy. In some parts there is a system of confessional tickets, which are given to those who attend the Easter confession. These are demanded as certificates of character; anyone who cannot produce his card would be pointed out as a man to be avoided, and if in business, he would probably lose his customers. Even the independence of the judges is threatened, by refusing absolution to those whose decisions run counter to the interests of the Church.[1] But the power of the clergy is shown above all at the elections. The pulpit becomes a political tribune, from which the priests inveigh against the Liberals, as men destitute of honour and morality, who aim at abolishing religion. Throughout the country they have organised clubs, which, under the pretext of offering social attractions to the working classes, control the elections, and bait for members with cheap beer and tobacco. The priests lead the rural electors to the voting urn like so many sheep: the nobility and the large landed proprietors, who are Ultramontane to a man, dictate to their tenants how to vote.

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[1] Laveleye, 'La Crise récente en Belgique.' Anvers, 1872. See also his article in the 'Fortnightly Review.' October, 1872.

[2] By the law of 1842 the inspection of schools by the clergy is limited to the religious instruction, and he is required even, as a delegate of the bishop, to have an *exequatur* from the government. But practically he rules supreme over the school, and no teacher objectionable to the clergy could retain his post.

[3] Compare the pamphlet of Professor Ch. Périn at Louvain, entitled 'Les Libertés populaires,' 1872.

Political influence of the priests.

This state of things sufficiently explains the Ultramontane majority in the Chamber.[2] The whole Flemish portion of Belgium, which embraces one-half of the kingdom, sends only two deputies not belonging to the clerical party. Opposed to these, the Liberals are weak, and they find themselves, moreover, in a position full of contradictions. The very weapon—religious freedom—which

Difficulties of the Liberals.

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[1] For the proofs of this see Laveleye, 'Le Parti Clérical en Belgique,' p. 24. Bruxelles, 1874.

[2] At the last elections the moderate Catholic ministry has retained the majority, against which the Liberals vainly opposed violence, despairing to obtain their ends by legal means.

they had thought to use against the Church, is now, as M. Laveleye confesses, being turned against them. Yet only a very small minority of them are inclined at present for an open rupture with the Church, notwithstanding that she condemns the liberties they defend, particularly since the movement, represented by the association, called *La Libre Pensée*, aims at a purely negative system of freethinking. Family life and education, however, are impossible without religion; and thus the Liberals find themselves obliged to submit on the one side to the Church, the influence of which they combat on the other. Others, more far-sighted like M. de Laveleye, recognise the fact that pure negation can only produce disorder, that society is impossible without religion, which has created civilisation. 'We in Belgium,' he says, 'feel only too painfully the dreadful void, which the weakening of religious conscience, the natural result of the forced opposition against the only form of worship we know has engendered.'[1] He concludes that the society of the future must adopt the Christianity of the Gospel; but by this elastic term he means, not the Gospel of St. Paul or St. John, but a Christianity reduced to a religion of equality, charity, and self-sacrifice, without miracles, dogmas, or priests, in short, a confession, as it were; of Rousseau's *Vicaire Savoyard*, which denies the specific Christian character. A third school, the *Radicaux autoritaires*, propose to have recourse to force, in order to vanquish Ultramontanism. Liberty alone, they say, is not able to make nations progressive: the propagation of error must be prevented. To try persuasion is to waste time: coercion is needed—not indeed ferocious measures, but prison, fines, and exile.[2]

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[1] 'Protestantisme et Catholicisme dans leurs rapports avec la liberté et la prosperité des peuples.' 1875.

[2] Hermann Pergameni, 'Revue de Belgique.' October, 1875.

The Italian Government and Rome.

In Italy the Vatican decrees produced scarcely any impression at all, amidst the universal religious indifference that prevailed among the people. But the government of Victor Emmanuel, which had offered no hindrance to their proclamation, found it necessary, after the eventful summer of 1870, to take steps of far-reaching importance. The September Convention had proved a failure, and the reoccupation of Rome by the French in December, 1867, had only served to increase the hatred of the temporal power among both the Italian and the Roman populations. When the French garrison withdrew, and all apprehension of its return was removed by the disaster of Sedan, it became necessary, indeed, for the Italian Government to act, as the Minister Visconti Venosta said in his despatch of September 8, in order to save Rome and the papacy; for by remaining passive they would have been unable to restrain the Radicals, and nobody can doubt that Garibaldi would have made short work not only of the temporal power but of the papacy itself. This would have probably led to an interference of the Catholic Powers; and the Italian Government, by taking the initiative, prevented the spiritual power of the papacy from being involved in the fall of the temporal.

The incorporation of the Roman territory made it necessary for the Government to remodel entirely its relations with the Church and her supreme head. It set about this task with the full consciousness of its difficulty. Victor Emmanuel, in receiving the deputation which reported to him the result of the Plebiscite (October 9, 1870), spoke as follows: 'As king and as a Roman Catholic, I remain, in proclaiming the unity of Italy, firm in the purpose to secure the liberty of the Church and the independence of the Sovereign Pontiff; and with this solemn declaration I receive from your hands the Plébiscite of Rome.' A royal decree, issued on the same day, declared, 'Rome and the Roman provinces form an integral portion of the kingdom of Italy. The Pope retains the dignity, inviolability, and all the prerogatives of a sovereign. A special law will determine the conditions, suitable for guaranteeing, with territorial franchises (*anche con franchigie territoriale*),[1] the independence of the Pope and the free exercise of the ecclesiastical authority of the Holy See.'

Circular of Visconti Venosta on the occupation of Rome.

The Minister Visconti Venosta wrote thus in his Circular of October 18, addressed to the Italian representatives abroad: 'In going to Rome Italy encounters there one of the greatest questions of modern times. It is to reconcile the national and religious sentiment, while protecting the independence and the spiritual authority of the Holy See in the midst of the freedom inherent in modern society. . . . . . The temporal power of the Holy See was the last relic of the institutions of the middle ages. At a period in which the ideas of sovereignty and property were not clearly separated, in which moral force had no effectual sanction in public opinion, the confusion of the two powers may not have been without utility. But in our times it is not necessary to possess a territory and to have subjects in order to exercise a great moral authority. A political sovereignty which rests not on the consent of the populations, and cannot be transformed according to social exigencies, can no longer exist. Compulsion as to matters of faith, rejected by all modern States, found in the temporal power its last asylum. Henceforth, every appeal to the secular sword will be suppressed even at Rome, and the Church will in her turn reap the benefit of freedom. Freed from the embarrassments and the transitory necessities of politics, the religious authority will find in the respectful adhesion of the consciences of men its true sovereignty. Our first duty, therefore, in making Rome the capital of Italy, is to declare that the Catholic world will not be menaced in its beliefs by the effect of our achievement of unity.'[1] The guarantee of this promise, the minister observed, would be given by securing to the Pope, on the one hand, a position which should enable him to exercise freely his ecclesiastical sovereignty, and, on the other hand, by carrying into full effect the separation of Church and State. The Pope answered the Circular only by protests. In an Apostolic letter of October 20,[2] adjourning *sine die* the reassembling of the Vatican Council, on the ground that he was 'impeded in divers ways in the exercise of his supreme authority,' and that the fathers of the Council could not, in the present state of affairs, have the 'liberty, security, and tranquillity' necessary for further deliberation with him on the business of the Church, he denounced the 'sacrilegious invasion of the august city of Rome,' and described himself as the prisoner of a hostile power. And in an Encyclical of November 1, he excommunicated all and everyone who had taken part in the spoliation of the Church.

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[1] It was then intended to leave to the Pope the Leonine city, and thus to preserve a temporal power restricted to its narrowest possible limits.

Law of Papal Guarantees, May 13, 1871.

But these thunders of the Vatican did not deter the government from the prosecution of their plans; and on May 13, 1871, they proceeded to carry out their promises by the Law of the Papal Guarantees.[3] The ministry, in introducing this measure, admitted that a definitive solution could only be arrived at on condition that the pope would accept the guarantees. Only on the supposition of his agreement had they been willing to leave to him entirely the *Città Leonina*;[1] but since it was impossible to obtain that agreement, they must do what they could to redeem the promises given to all the governments. The first part of the bill, relating to the personal rights and prerogatives of the pope, conceded to him the sanctity and inviolability of his person; the honours of a Catholic sovereign throughout the kingdom; a civil list of 3,225,000 lire; the free enjoyment of the Vatican and Lateran palaces, with all edifices, gardens, and property appertaining to them and the country residence of the Villa Gandolfo, which were declared exempt from the jurisdiction of the State; the establishment of a post and telegraph office in the Vatican; together with the free transmission of all his messages; the active and passive right of embassy, with the corresponding diplomatic privileges; and, in case of the vacancy of the Holy See, the unmolested liberty of the Conclave.

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[1] Correspondence respecting the Affairs of Rome. Parliamentary Papers, No. I., 1871, p. 91.

[2] Correspondence, p. 78, quoting the *Osservatore Romano*, October 21.

[3] The official title is, 'Legge sulle prerogative del Sommo Pontefice et della Santa Sede e sulle relazioni dello Stato con la Chiesa.'

Far more important are the regulations, contained in the second portion of the bill, treating of the general relations of the Church and State. The pope is allowed to correspond freely with the episcopate and the whole Catholic Church, without any impediment on the part of the government. The royal *Placet* and *Exequatur* are abolished, except in cases concerning property, and the use of the temporalities belonging to ecclesiastical bodies and institutions. No cardinal or any other ecclesiastic shall be responsible for any ecclesiastical act, performed in Rome, having reference to the functions of the Holy See. All foreigners also, who are entrusted with any similar functions at Rome, enjoy all the personal guarantees which properly appertain to Italian subjects.

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[1] See Memorandum of Italian Government, August 29, 1870. Correspondence, p. 14.

The full exercise by the pontiff of his authority and spiritual jurisdiction, as well as of his disciplinary powers, is free from the interference of the civil power. Consequently appeals *ab abusu*, and every other appeal to the temporal power in matters belonging to ecclesiastical authority, are abolished. In return for this, the employment of secular compulsion is excluded for ever from all ecclesiastical measures. In the city of Rome, the seminaries, academies, colleges, and Catholic institutions founded for the education of the clergy, will still be dependent on the Holy See, without any interference from the scholastic authorities of the government. Councils, chapters, and other ecclesiastical assemblies can be held without permission from the crown. The nomination to all ecclesiastical appointments in Italy is left to the authorities of the Church, but the nominees, except the 'suburbican' bishops of Rome, must be Italian subjects to entitle them to the temporalities, and must give notice to the government of their nomination. In other respects the royal right of patronage is retained, with the exception of Rome and the dioceses belonging to her. The oath of allegiance to the king, formerly demanded from the bishops, is abolished.

As a set-off against this autonomy of the Church, the misuse of official power by the clergy is guarded against by an alteration of Articles 268–270 of the Penal Code, to the effect that any violation thereof by an ecclesiastic in the performance of his ministerial functions is liable to penalties of exceptional severity.

The custody and conduct of the registers of the population are entrusted to the communal authorities. It is left to the individual to baptise his children, to solemnise his civil marriage, and to have his belongings conducted to the grave with the funeral offices of the Church. Whether the Church will render her services for these

Religious Corporations Act. June 19, 1873.

purposes is left to her, as also the registration of births, marriages, and deaths; but these registers are not available as public evidence. All religious corporations are deprived of their corporate rights, and their property confiscated; in return for which the State grants them pensions. They continue only to exist as voluntary societies. Their educational privileges are abolished; their members being required, like any others, to fulfil the conditions which qualify them for teaching; and the theological faculties in the State universities are closed. The bishopric and the parish still retain their legal personality; but the whole property of the Church is expropriated and converted into *rente* of the State. After its liquidation has been completed, the entire revenue is distributed among the departments of instruction, the charitable foundations, and the churches, the latter being granted an independent power of administration, subject to the supreme control of the government.

The execution of these provisions of the law of June 19, 1873, so far as regards the conventual establishments, has been entrusted to a commission, called the *Giunta liquidatrice*, which has nearly completed its labours. In 1872 the number of convents and houses of religious congregations in Rome amounted to 232, with 4558 inmates. The commission had to ascertain the income of these institutions and the purposes to which it was applied, to fix the pensions of their members, to refund to them the dowry which they brought to the convent, to sell the real property, and to replace it by the necessary amount in consols. Not a single house has been allowed to pass into private hands; they are all to be transferred to the State, the city, or other institutions of public utility. The fortune of these monastic establishments has turned out to be less considerable than was expected; the entire surplus realised is estimated at about 41 million francs, which, according to the law, is to be applied for communal purposes. The orders themselves have ceased to enjoy the privileges of corporate bodies and of exempted discipline; they are not dissolved, but reduced to the position of voluntary associations. Many of their members have returned to their families; the sick and aged have been provided for in asylums; others are employed in the service of hospitals or churches; and the rest continue their associated life in private houses. By these reforms a great revolution has been achieved, which cannot fail to exercise a salutary influence. It cannot be denied that financial considerations entered largely into the confiscation of Church property, though from the confusion created by this operation, and the enormous quantity of landed estates put up for sale, the breaking up of this prodigious mass of property will ultimately produce for Italy results as favourable, in point of economy, as did the sale of the property of the State Church and the emigrant nobility in France.

Question of monastic orders.

A special difficulty was presented by the generals of the monastic orders, who represent with the pope the unity of their members scattered over the globe, as well as by the foreign establishments at Rome. With regard to the generals of the orders, the government originally intended to recognise their existence. But this step was regarded as a dangerous concession to the Papacy;[1] and a compromise, proposed by Baron Ricasoli, was carried by a small majority, and adopted by the ministry. It was arranged that the present generals should receive a pension of 400,000 lires (£16,000) a year from the State, to be handed over to the pope as an increase of his endowment, and should be allowed during their lifetime, if they remained so long in office, to occupy part of their present residences. With regard to the foreign ecclesiastical establishments, it was arranged that they should be permitted within two years to make over their endowments in favour of the churches, with which they were connected, in conformity with their statutes. The government undertook to come to an agreement, in the interim, with their foreign proprietors.

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[1] A motion to insert a provision in the bill for the summary expulsion of the Jesuits was only rejected by a narrow majority. Two schools, however, of the Roman College at Rome were closed, for disobeying the law of 1859, relating to their instruction of lay subjects. See Correspondence, *ut supra*, p. 98.—[Tr.]

Results of this legislation.

In this legislation there are details open to criticism; but viewed as a whole it seems for Italy to be the only correct, and indeed the only possible solution. There could be no question of any negotiations with the pope. He continues to represent himself as a prisoner, and indignantly rejects the guarantees as a 'mockery of the Kingdom of Christ,' since they prove the manifest intention to impose laws upon him, whom God has appointed the interpreter of all laws, natural and divine. This does not prevent him, indeed, from making full use of the advantages thus granted to him, with the exception of the Civil List, which he designates as Judas money, and which he can well afford to dispense with, since his income derived from Peter's Pence, donations, and bequests of the faithful is valued by those who are acquainted with it at an average of 10,000,000 francs.[1] The enmity of the Curia involved of necessity the enmity of the episcopate: with the latter, therefore, any attempt at negotiation on the part of the government was as hopeless as with the pope. All that could be done was to regulate the position of the Church by civil enactment. The question is whether the Government succeeded in defining properly the limits of the two provinces. Now, as regards the general features of their internal legislation, the ministers decidedly acted with wisdom in relinquishing those weapons of a former age, which had long since become rusty and impotent, such as the *Placet*, the *Exequatur*, the oath of the bishops, the *recursus ab abusu*, &c.,[1] and in placing the Church in the position of a corporation, thoroughly autonomous, but subject, in respect of her external relations, to the common law. In the condition of the inferior clergy the overthrow of the temporal power had made but little change. The secularisation of the orders has gratified their suppressed but immemorial dislike of the regular clergy; and if they regret the suspension of the ecclesiastical pomp which formerly surrounded the pope, they are probably aware that his so-called imprisonment is self-inflicted. The bishops have full liberty for the internal affairs of their dioceses; those newly appointed, who do not ask for the *Exequatur*, receive no salary; but they get it, nevertheless, from the pope, and the attempt of the present ministry to tax this income will prove abortive, because it never can be satisfactorily proved that they draw from this revenue. The government has given no support to the movement in the diocese of Mantua, where certain parishes have elected their priests, and are of course excommunicated by the bishop; nor could it do so, not being competent to deal with the internal affairs of the Church.

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[1] Between 1860–1870, the sum of 97,400,000 francs was received in offerings under this head. When the Italians entered Rome, they found 8,000,000 francs in the Roman Treasury, which they appropriated as State property, but half of which, being Peter's Pence, the Council of State afterwards restored to the Pope. Correspondence, pp. 114, 137.

If, on the other hand, the results of this legislation show a shady side, the cause of this lies partly in the defective execution of the laws, partly in the pressure of surrounding circumstances. The gravest fault was, perhaps, the parsimony displayed in regulating the income of the lower clergy, the poor country curates in particular being hardly able to live on their salaries. At any rate, by treating them in this fashion, the Government deprived themselves of their best allies against the hostile power of the bishops. If, as cannot be denied, the language of the clerical press, the pastorals of the bishops, and the sermons of the priests overstep all limits of decency in their violent invectives against the government;[1] if ecclesiastics are recognised, who are appointed by the bishops, without having given any previous notice of their nomination; yet all this is a consequence not of the laws themselves, but of their slovenly execution. It is deplorable enough, no doubt, that the young remain for the most part wholly destitute of any religious instruction; but this is not the fault of the Government; for the law of November 15, 1859, insists firmly on its being imparted in the national schools, but the priests everywhere refuse to undertake the duty thus enjoined upon them. That the autonomy of the Church would make Italy a second Belgium, is a contingency not to be feared, because the Italian Government has amply protected its rights of civil supremacy, particularly with regard to education, and because the influence of the clergy is small in all matters not ecclesiastical.

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[1] The impotency of these weapons is most strikingly shown in the recent struggle of the Brazilian Government with their episcopate, which has ended in a compromise.

These, however, are purely Italian questions. Not so the law of guarantees, whose aim was to prove to the

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[1] The government appears resolved, however, not to tolerate any longer this abuse. A note of the Minister of Justice, of February 12, 1874, to the Procurator-General at Rome, recognises the inviolability of the Pope for speeches and official manifestoes, but points to the responsibility incurred by those who give further publicity through the press to such papal declarations as contain language offensive to the laws or institutions of the State. The note concludes by directing the law officers of the government to keep a watchful eye over, and report, all reprehensible speeches by the clergy.

The law of guarantees and its opponents.

whole Catholic world that the ecclesiastical power of the pope had suffered no limitation by the loss of his temporal rule. This measure has been assailed from two opposite sides. The clerical writers, who demand the restoration of the temporal power, maintain that the law is nugatory and sacrilegious; that the pope is robbed by the Subalpine Government of his liberty to govern the Church according to his Divine mission. The freedom of speech in which Pius IX. indulges in his Allocutions, and the warfare conducted by his organs against the institutions of the kingdom, go far to prove the contrary.[1] But much more so the attacks from the other side. The law of guarantees, it is said, not only protects the spiritual power of the pope, but makes him absolutely irresponsible and inviolable against any other power. His person is sacred; every offence against it is liable to heavy penalties; but nothing is said about offences committed by the pope against any foreign Power. Can it be allowed that the pope, under shelter of this immunity, should openly attack other sovereigns and States; declare solemn enactments to be null and void for their subjects; and abuse the asylum of the Vatican by harbouring rebellious bishops like Cardinal Ledochowski, who interferes from Rome with the government of the diocese, from which he has been deposed by a formal judgment? This is not the irresponsibility of a secular prince, sheltered by the responsibility of his Minister, or at least his country, and by the consciousness of his country's interests. We have here, on the contrary, a man who looks only to the interests of his spiritual dominion; who is fettered by no national ties of allegiance, yet exercises a vast power over the Catholic populations of the world, and is protected by that very Government which he excommunicates as his gaoler. This is contrary to all established relations of international polity, and ought to be changed.[1] Now, we are far from denying that the position of the pope, according to the law of guarantees, is anomalous; but his former position was equally so, only in a different way. The question is whether, and how, it can be remedied? Here we must be permitted to observe that the relations of other Governments to the pope are not international. Of course, so long as the temporal power existed, its chief might make a treaty of commerce or extradition like any other Sovereign. But the Concordats were no international treaties; they were concluded not with the head of the Pontifical State, but with the head of the Catholic Church, who as such was equally the head of the Catholic Church of the nation concerned. With the loss of his temporal power the pope has lost his sovereignty; he cannot even be called a spiritual Sovereign, for there is no room for two sovereignties—*i.e.* supreme powers—in the State. The law has simply invested him with certain extraordinary privileges and immunities, which are generally accorded only to Sovereigns, but may by consent be given to other personages, as, for instance, in Germany the mediatised princes have preserved some of their personal rights as former members of the Empire. But all this is no question of international law. It is simply a figure of speech to say that the pope has declared war against Prussia or the Bund; though the phrase is none the less misleading on that account, for the only war that international law knows of, is carried on with guns and soldiers, neither of which the pope has at his disposal. And if the irresponsibility, which the pope turns so largely to account, is evidently an anomaly, how can the present state of things be changed? We have heard as yet no satisfactory answer to this question; for the two suggestions of Bluntschli, viz., that the popes should promise to respect the laws of other countries, or that an international treaty should define and limit the privileges of the pope, are equally illusory. No pope will ever give such a promise, and the Powers will never agree upon the terms of such a treaty. Moreover, it must be borne in mind, that nearly all the Powers, who have Catholic subjects, have asked for a law guaranteeing the unrestricted exercise of the spiritual government of the pope, and that no one has taken exception to the law as it has been passed. It was only some years later, when ecclesiastical conflicts arose in some countries, that Italy was asked to change the law, which allowed the pope to interfere.

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[1] An able refutation of these clerical attacks is given in the pamphlet 'Pro populo Italico,' a reply to M. de Reumont's 'Pro Romano Pontifice,' Berlin, 1871.

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[1] Compare Prof. von Treitschke's essay in the 'Preussiche Jahrbücher,' vol. xxxvii., and Bluntschli, 'Die rechtliche Unverantwortlichkeit des Römischen Papstes, 1876.'

Prudent attitude of the Italian Government.

But the position of the Italian Government in this respect is a very difficult one. It is certain that, while not hesitating to take any decisive step which seemed necessary for the consolidation of the new kingdom, the Ministers have acted with great forbearance towards the clergy and Catholic institutions. They have accepted the assistance of the Radicals, when it was necessary; but they have never made common cause with them; and the reason is that they cannot afford to alienate that large section of the population which regards irreligion as a stain on civil life. No one who has not been in Italy can measure the influence of the clergy. The temporal power was cordially hated and despised; but this did not prevent the people from being devout Catholics, and so far, with the exception of some Radicals, all Italian politicians are clerical, just as in Belgium the members of the Left fulminate against the priests, but have their children educated by them. The late Minister Sella said once, 'A Government which has to deal with subjects, who still believe that their sins against the public exchequer can be pardoned by the priests, must not be on too bad terms with the latter.' The Government saw, moreover, that an alliance with the sworn enemies of the Church would have committed them to a party in whose ultimate aims the monarchy has no place; and they justly concluded that if the two grand factors which have made Italy, namely, the dynasty and the army, were to be retained, there must be no irreparable breach, no open war, with the Church.[1] Moreover the personal tendencies of the king, who has never shrunk from the fulfilment of his Italian mission, are decidedly averse to any such rupture. Although excommunicated, he has no objections to the spiritual claims of the pope, and has never been troubled by the Vatican or any other decrees. Accordingly, notwithstanding the anathemas launched against the spoliation of the Church, he has contrived to live in decent harmony with his bishops and clergy. These tolerable relations would be at an end, and the latent hostility of the clergy would become open war, if the Government were to touch the law of guarantees. Directly the pope was called to account for the exercise of his spiritual functions, or subjected to the civil law of the realm, he would leave Rome and go to Malta or some other place where he would be equally unassailable. Foreign governments would have won nothing, and the Italian Government would have let loose a universal storm of indignation from the Catholic world in general, and from their clergy at home. They have therefore declined to interfere in answer to diplomatic requests; in fact there is no Ministry that could carry such a law. The Speech from the Throne of November 20, 1876, declares, it is true, the necessity of providing against the abuses of the liberty which is granted in Italy to the Church to an extent unknown in any other Catholic country; but it limits the measures deemed necessary on that behalf to the terms contained in the law of guarantees itself.

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[1] The Senate has sanctioned a regulation relative to Art. XV. of the Penal Code, to the effect that whoever, by publicly attacking or insulting a worship authorised by the State, offends the religious feelings of its members, shall be liable to two years' imprisonment or a fine of 1,000 francs.

Prospects of reconciliation.

If, however, the relations of the Church and State in the kingdom of Italy are actually on a fairly satisfactory footing; if, as is asserted, Pio Nono counteracts his public anathemas against Victor Emmanuel by privately sending him his blessing; still there is a wide gulf between such a state of things and open reconciliation; and the latter is certainly out of the question during the lifetime of the present pope. At his election he has sworn to maintain unimpaired the temporal dominion of the Holy See; and he cannot eat his own words and publicly acknowledge the spoliation which he has so often denounced, whatever may be his sympathies for Italy. With his successor, in some respects, it is different. The temporal power is no Catholic dogma; and the Italian cardinals must have lost their traditional acuteness if they fail to see how utterly circumstances are changed. When the Roman Court indignantly rejected Cavour's maxim, 'A free Church in a free State,' they were still in possession of St. Peter's patrimony, and hoped to recover what had been lost. They cannot hope any longer to break up the Italian kingdom. In 1860 they would not hear of the new-fangled theory, for they were accustomed to a free Church in an obedient State. But they must object still more to a fettered Church in an omnipotent State; and they must have seen by this time that the loss of the temporal dominion, so far from enfeebling, has strengthened the Church, has made her invulnerable against all attacks from the secular powers; and has neutralised their former influence upon the Court of Rome. On the other side, nearly all the Cardinals have been appointed by the present pope, and nearly all of them share his opinions, while all have sworn the same oath to maintain the temporal power as they had received it from their predecessors—an oath which Pius V. prescribed to all future popes and cardinals, although that pontiff never contemplated a dogmatic assertion of the necessity of the temporal power for the Church, but wished to erect a barrier against parcelling it out in the interests of papal nepotism and favouritism. It is true that the treaty of Tolentino shows that accommodations are not impossible with this oath; and the attempt to introduce the inviolability of the temporal power as a dogma into chapter II. of the first draft of the 'Constitutio de Ecclesiâ,' of January 21, 1870, proved a failure. However, it is probable, to say the least, that a considerable time will have to lapse before a new generation of Church dignitaries realises the necessity of coming to an understanding with the secular power; and that, in the meantime, the present *modus vivendi* will continue.

(c) *Austria.*

Austria. Church legislation of 1864.

Very different has been the path pursued by Austria for regulating the relations of the State towards the Catholic Church. If in Italy the principle of separation has prevailed, we find here a compromise, which adheres as closely as possible to a union of the two powers, and preserves only on essential points the supremacy of the State. And yet this solution was for the Imperial State, no doubt, just as judicious and correct as the opposite one seemed demanded for the Subalpine kingdom. For the position of each country was totally different. In Austria the hostility of the Church was by no means inevitable, however much reason there was to apprehend it. If the hierarchy sided with the discontented nationalities, it had the power to imperil to a serious extent the existence of the empire, already deeply shaken and distracted. The latter, therefore, was obliged to proceed in such a manner that the Church, however displeased she might be at the limitation of her power, should find, nevertheless, that her interests were better served by practically yielding to the State than by provoking a rupture. And this problem has been solved in its essential points by the legislation of 1874.

Regulation of internal autonomy of the Church.

The constitutional laws of 1867, as well as the three laws of May 25, 1868, relating to marriage, education, and inter-confessional relations, had liberated the province of the State from all influence of the Church, and limited the validity of the Concordat to purely ecclesiastical matters. After the Concordat had now been definitively annulled, the legislation built upon it had also to give place to a new system; and for this purpose it was important above all to regulate the external legal relations of the Church. The *exposé des motifs* for the laws which aimed at accomplishing this, rejected not only the principles of Josephinism, but also the parity of Church and State, and the absolute separation of both. The question for Austria, it is said, was simply how to carry out Article XV. of the constitution, which gave to the Churches the independent management of their internal affairs, without defining what those affairs were to be, and how far ecclesiastical self-government was allowed to go, so as not to clash with the laws of the State, to which every religious society remains subject. The position of the Catholic Church in Austria was that of a privileged public corporation, to which the State conceded large prerogatives on account of the important character of her mission for the welfare of the nation; but for that very reason was entitled to attach to those prerogatives certain conditions. In the interests of each power alike, it was necessary to adhere as closely as possible to existing relations. Accordingly the cardinal principle must remain, that the life of the Church is not to be controlled directly by the law, but merely to be regulated and restrained whenever reasons of public welfare so demand. The Catholic Church is to enjoy, therefore, as fundamental conditions of her existence, freedom of doctrine and worship; the free exercise of her constitution; her purely ecclesiastical jurisdiction and discipline; the free development and management of her institutions; the regulation of clerical education; the direction of her schools and seminaries, as well as of religious instruction in the public schools; the administration of property and of all external institutions serving ecclesiastical purposes.

Powers retained by the State.

These principles of autonomy, however, are to be limited in practice by the power retained by the government of watching,

1. That the authority enjoyed by the Church in respect of doctrine and worship are not made to serve as a pretext for designs inimical to the State. The government recognises, therefore, with perfect justice, that the dogma of Infallibility 'has become an integral portion of the Catholic faith,' but reserves to itself full liberty of action, which it will use according as the pope shall exercise the unlimited powers vested in him by the Council.

2. That the exercise by the Church of her constitution, jurisdiction, and discipline remains limited to her legitimate sphere and instruments of authority. That no outward compulsion, therefore, is applied; and that official power is not employed to hinder the exercise of the rights of citizenship, or to obstruct obedience to the law; and that, on the other hand, due provision is made for the

special interest which the State has in the prosperous administration of ecclesiastical offices.

To secure this last object, the qualifications of citizenship and moral conduct are to be required in every case. For the appointment to bishoprics the nomination remains with the sovereign. For all spiritual offices, involving the cure of souls, but subject to independent rights of lay patronage, and for all benefices, which are endowed from public funds or reserved for presentation by the sovereign, the State has the right to concur in the endowment of the revenues connected therewith; in all other cases, preliminary notice of his appointment to benefices is to be given to the civil authorities. In the event of objections being raised, the local magistracy are empowered within thirty days from the appointment to the benefice to submit them, if well-founded, to the Minister of Worship; if these objections are over-ruled, institution follows. Vacant benefices must be filled before the expiration of a year. For erecting new, or altering existing dioceses and parochial districts, the consent of the State is requisite. Criminal conduct of incumbents, or offences arising from simony, or injurious to morality and public order, are followed by deprivation on the part of the State, if the bishops refuse to act within a reasonable period. No *placet* is required for episcopal manifestoes or pastorals, but they are to be communicated, at the time of their publication, for the information of the civil authorities. The State undertakes to ensure the payment of the Church rates imposed with its consent; and to enforce the suspension of incumbents, or official investigations by the Church, in case the legality of the measures is proved to the satisfaction of the civil authorities.

3. The share enjoyed by the Church in the direction of instruction is to be regulated by a special law, in so

far as it is not already determined by the school laws of 1868. The system of education for the clergy is to be arranged in like manner; since the State desires to prescribe to certain candidates for the clerical profession a special kind of training. The question of patronage, likewise, is reserved for particular enactment.

4. The free administration of Church property and institutions must be subject also, on account of the material support afforded by the State, to the regulated co-operation of the government. The latter looks after the preservation of the original property, which is to be separated from the income attached to the benefice. The property of the parish churches is to be administered in common by the parochial manager (*Pfarrvorsteher*), the community, and the patron; that of the benefices by the usufructuaries under the joint control of the patrons and the supreme direction of the bishops and the State. A special bill regulates the amount payable from the property of the benefice to the fund for religion, which enables the slender salaries of the inferior clergy to be augmented, without burdening the State.

5. With regard to the whole system of monastic and other ecclesiastical societies, the State reserves to itself extensive rights of control. No new order or congregation is to be established in Austria without the consent of the government, which the bishop must apply for through the local authorities to the Minister of Worship, and which can be revoked, not only if the order violates the terms of its admission, but if its members are guilty repeatedly of conduct dangerous to public order, or of such misdemeanours as entitle the government to demand their removal from office. Entrance into orders and congregations is made dependent on the legal consent of the family; and vows have no civil obligation, since everyone is free to leave the society again, in which case the

property which he brought into it must be restored to him. Foundations, donations, and testamentary bequests to such communities require the sanction of the State; if they exceed 3,000 florins, the administration of the property is subject to constant supervision from the government. Finally, a special bill empowers the government to grant, under certain conditions, the necessary recognition to such societies as are not yet authorised.

Firm attitude of the government.

It was to be expected that a legislation which so decidedly contradicted the principles of the Concordat should encounter the most lively resistance from the Curia and the episcopate. The only question was, whether the resistance should go the length of an open rupture with the government, in which case the laws which rested upon the co-operation of Church and State would have become incapable of execution. The ministers were convinced of the contrary, and the result has shown that they were not mistaken. They have defended their policy, both in the Reichsrath and out of doors, in a manner at once moderate and firm. They repudiated the accusations of the Ultramontanes about breach of treaties and revolution, as emphatically as those of the Radicals, who sought for freedom of conscience by inflicting the utmost possible injury on the Church. In answer to the phraseology of vulgar Liberalism, which announced the intention of accepting the laws at most as an instalment, and by perverse amendments succeeded in shipwrecking the Convent Bill, the Minister of Public Worship, Von Stremayer, declared that the government would never lend a hand for war against the Church; that the object of the laws was 'to bring about order in her relations with the government, that she may fairly exercise her holy mission without encroaching on the inviolable rights of the State.' In reply to the Ultramontanes, on the other hand, the Prince von Auersperg, President of the

Debate in the Lower House, March 5–9, 1874.

Ministry, showed how groundless were their complaints of clerical oppression; and warned them plainly with reference to their threats that the bills, if passed, would never be allowed to become a reality, not to play too much with the *Non possumus*, since so long as he was at the helm, he would know how to enforce respect for the laws. To the pope, who in an Encyclical of March 7, had pronounced an unqualified condemnation of this violation of the Church, the emperor replied that, notwithstanding his personal devotion towards him, he had not been able as a constitutional sovereign to withhold his assent to the laws which had been introduced by a ministry in the possession of his confidence, and had been accepted by a large majority in the Reichsrath.[1] Count Andrassy, in his reply, simply expressed his regret that the pope had taken upon himself to pass sentence on matters which concerned neither the dogma nor the discipline of the Church, and lay exclusively within the competence of the State.

But the bishops, however categorically they had protested against the breach of the Concordat, in their pastoral letters as in the Herrenhaus, have practically yielded since the laws have received the sanction of the emperor, who proved his loyalty to constitutional principles by referring their memorial, praying him to refuse his assent, to his responsible ministers. This they could do, as not only did the Curia not enjoin resistance, but after having saved appearances by protesting, the Papal Nuncio confidentially advised the bishops to avoid any necessary conflict, lest the government might be driven to more extreme measures. The Austrian clergy, indeed, fully realise the fact that, notwithstanding the new laws, they are better situated than most of their brethren in other countries, and that they have a strong personal protector in the emperor. To offer open resistance would only be to play into the hands of the Liberals, who have never made any secret of their bitter hatred against the Church. It was the experience of this fact and the rejection of the Convent Bill, that has hitherto prevented the government from introducing the supplementary bills, intended to regulate those relations of civil and ecclesiastical power which had not been provided for by the existing laws.

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[1] The bill passed the Lower House by a majority of no less than 224 votes against 71.

The government and the Old Catholics.

Towards the Old Catholics, who in Austria are very few in number, the government adopted a perfectly logical position. It told them that they were at full liberty to establish a community of their own, under the law of May 20, 1874; but that their claim to be considered the true Catholic Church could not be entertained, as dogmatic decisions were not within the competence of the government.

It cannot be denied, that many of the regulations in this arrangement of the relations of Church and State are open to objection. But, so far as its main principles are concerned, it will achieve its object. It refrains from interfering with the internal administration of the Church, while protecting the rights of the State in a manner which harmonises with the established relations of the empire.

(d) *Switzerland.*

Church and State conflicts in Switzerland.

If Italy and Austria have striven successfully, though by different roads, to regulate the relations of Church and State, in Switzerland, on the other hand, we find the unpleasant spectacle of the State combating Ultramontanism by means of numerous encroachments on purely ecclesiastical territory.

Switzerland, in its two leading cantons of Geneva and

Radical dictatorship at Geneva.

Berne, shows the features of Radicalism as it is found elsewhere. The existing order of things is overthrown in the name of the sovereign people; but this overthrow once effected, popular sovereignty ceases, in order to become an instrument of government by the individual. The party impersonates itself in the figure of certain leaders, who are generally neither the most worthy nor the most talented; and the movement, begun with demagogy, ends with a dictatorship. Radicalism always understands to exaggerate the personal influence of those whom it patronises, and who accordingly patronise it in return, commanding in its name. It is more indulgent and docile to its leaders than the courtiers of absolute monarchs. Round these tribunes, promoted to the rank of popular princes, a body-guard is formed, whose members share in the crumbs of power and pecuniary largesses. Their interest guarantees their devotion; and by the applause of the misunited clique, stifling the voice of public opinion, they delude the people into the belief that everything is done by them and for them.

M. Fazy.

It was in this way that the population of Geneva, after the year 1846, came to abdicate completely its rights in favour of one man, James Fazy, who in fact, by manipulating, with wonderful dexterity and unscrupulousness, the engine of universal suffrage, did exactly what he liked. From that year until 1861, with the exception of two years' interval after 1853, he ruled with absolute power; his person was the incarnation of the cantonal government of Geneva.

M. Carteret.

M. Carteret, who has held the government since 1870,[1] has faithfully copied his example; only while Fazy ruled by frightening the people with the bugbear of aristocracy, the new dictator holds up that of Ultramontanism. To understand this aright we must cast a rapid glance at the past.

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[1] The intervening governments of MM. Challet-Venel, Chenevière and Campério, pursued the policy of M. Fazy with regard to religious matters. The last-named Ministry fell in consequence of its alleged disregard of Roman Catholic encroachments.

The King of Sardinia, as already mentioned,[1] had ceded in 1816 a certain number of communes or parishes to the canton of Geneva. In so doing he had stipulated not only that their Catholic worship should be protected, but that two thirds of the members of the communal councils should consist of Catholics, and that no Protestant church should be allowed to be built in these communes except at Carouge. These Catholic communes were annexed by a papal brief (Sept. 20, 1819) to the then diocese of Lausanne, whose bishop two years afterwards received the honorary title of bishop of Geneva, which had hitherto been borne by the archbishop of Chambéry.[2] Meanwhile, the nomination of *curés* was regulated by a convention (Feb. 1, 1820) between the Genevan government and the bishop of Lausanne (Fribourg), who agreed to give due notice in all cases to the Council of State, and to proceed to a fresh choice, if the Executive considered weighty reasons to exist against the first. An oath of civil allegiance was required at the same time from the ecclesiastic so appointed.

The new Genevan constitution of 1842 confirmed this arrangement by an express article,[3] and when the bishop of Lausanne (Fribourg) proceeded to nominate M. Marilley—the present occupant of that see— as *curé* of a parish in Geneva, without consulting the proper cantonal authority, the Conservative and ultra-Protestant government of the day promptly removed the priest across the frontier. M. Fazy, on his advent to power in 1846, was disposed to cultivate friendly relations with the Catholics, and gave a sign of this disposition by inserting in the new constitution of 1847 an article which provided for the adjustment of the vexed question of nomination by means of a separate convention.[1] The article also was struck out, which designated the Protestant as the dominant religion of the old canton. The extensive growth of the city led to a large immigration of Catholics to Geneva; a fact not without importance in connection with the right of universal suffrage.[2] But on the whole, they behaved, as it proved, with moderation, and for a while no conflict arose; on the contrary, civil marriage and purely secular instruction were introduced even into the former Sardinian communes, without any opposition being encountered.[3]

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[1] See *ante*, p. 87 note.

[2] Brief of Jan. 30, 1821, confirmed by a decree of the *Conseil Représentatif* at Geneva, March 9, 1821. 'Diocése, evêque de Lausanne, sont les titres officiels du diocése et de l'evêque de Fribourg.'

[3] Art. 102. 'La nomination des curés est soumise à l'approbation du Conseil d'Etat.'

But this truce was soon to be disturbed by the hierarchy. At Geneva was the Abbé Mermilliod,[4] a Catholic

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[1] Art. 130. 'Le Conseil d'Etat est chargé, sous réserve de la ratification du Grand Conseil, de régler avec l'autorité ecclésiastique supérieure ce qui concerne l'approbation du gouvernement sur la nomination des curés et autres bénéficiers. *Jusqu'à ce que* le Grand Conseil ait ratifié les conventions à intervenir entre le Conseil d'Etat et l'autorité ecclésiastique supérieure, la nomination des curés et autres bénéficiers, ne pourra avoir lieu que sur des candidats présentés par l'Evêque et agréés par le Conseil d'Etat.' The contemplated convention, however, has never been concluded; and accordingly, the legal relations previously subsisting remained in force.

[2] The number of Catholics in the canton equals that of the Protestants; but the former includes at least 25,000 strangers, so that two-thirds of the native population are Protestants.

[3] Compare Roget, 'La Question Catholique à Genève.' 1874.

[4] He succeeded M. Dunoyer, who had been appointed under the Fazy Ministry. The proceedings connected with his appointment have never seen the light. It is significant, indeed, of the reticence practised by the Government in its dealings with the Church of Rome,

curé of the town, and an Ultramontane of the purest water, whose ambition was to raise the old city of Calvin to the dignity of a Catholic bishopric. He had been appointed also vicar-general of the diocese, and latterly auxiliary bishop, each of these offices involving the performance of functions perfectly recognised by the Genevan authorities. Up to this point, indeed, the latter had no cause of complaint, so long as M. Mermilliod did not pretend to replace the bishop whom he was intended to assist. But on the occasion of some vacancies occurring in certain parishes, which necessitated the presentation of new *curés*, the bishop of Lausanne (Fribourg) declared, with reluctance it is true, that the presentation rested not with himself, but with M. Mermilliod, 'in his own name, as charged by the pope to administer separately that portion of the diocese which comprised the canton of Geneva.' The government of the day (Campério-Chenevière) replied that they would recognise no other administrator of the diocese than M. Marilley himself, the bishop of Lausanne (Fribourg), and that they would regard as null and void all diocesan acts performed by M. Mermilliod on his own responsibility. Some popular excitement was afterwards created by the provoking conduct of M. Mermilliod, who at Annecy prayed publicly for the conversion of Geneva, founded a female Carmelite convent, and came forward as one of the most zealous champions of infallibility.

Mermilliod's quarrel with the Government.

The matter, as regards the cantonal government, stood at this stage, when the latter, being left in a minority at the elections in 1870–71 to the Grand Council, resigned, and was succeeded by that of M. Carteret. Henceforward the question entered on Federal territory. While M. Carteret revoked the recognition of M. Mermilliod as *curé* at Geneva, and thus paved his way to martyrdom, the Federal

that not one of its decisions taken in this matter between 1846 and 1864 is to be found in the 'Recueil Officiel des Lois et Arrêtés.'

CHAP. XXVI.

Council informed Mgr. Agnozzi, the papal nuncio, that they would not tolerate the dismemberment of the bishopric of Lausanne. The pope, yielding to this remonstrance, transformed the so-called bishop of Geneva into a Vicar-Apostolic *in partibus infidelium*.[1] But the Federal Council, so far from viewing this step as a retreat, chose to interpret it as a proof of impenitence. The Brief was certainly illegal, and an open violation of the Concordat of 1819, which settled the demarcation of diocesan boundaries. The Federal Council was justified also in meeting further ecclesiastical interference by breaking off, as they did later on, diplomatic intercourse with Rome. But they overstepped the bounds of constitutional action in ordering the Genevan Government to conduct the Vicar-Apostolic *in partibus infidelium* into 'Christian' territory, by removing him, a Genevan citizen, beyond the frontier to Fernex (Feb. 17, 1873), unless he resigned his office of Vicar-Apostolic. M. Mermilliod refused, of course, to obey, and has succeeded in gaining the reputation, if not the glory, of a comfortable martyrdom; but the victory of the civil authorities was dearly purchased at the cost of an infraction of the constitutional liberty of the subject.

Meanwhile, the anti-clerical feeling engendered by this dispute was reflected, after the accession of M. Carteret, in the course of cantonal legislation; and the Radicals in particular thirsted to do battle with Ultramontanism.

Corporations Law. 1872.

A bill was brought forward, which, in reference to Article XIV. of the Genevan Constitution, determined that no corporation should be allowed to exist in the canton without the consent of the government. This, of course, could refer only to those societies which demanded the rights of a legal *persona*. But the extreme supporters of M. Carteret not only extended the requirement of previous authorisation to all associations, destitute, at the time, of corporate rights, but gave a retrospective effect to this provision; thus compelling all corporations, already existing, to obtain the supplementary sanction of the State. In vain did the Liberal party, under the leadership of M. Pictet, combat this arbitrary proposal, which destroyed the liberty granted by the right of union. The bill passed in this form;[1] and was applied without principle, by giving to one society the consent which was refused to another and similar one; while the 'International' was allowed to have its own way.

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[1] Brief, Jan. 16, 1873.

Civil constitution of the Church. Feb. 19, 1873.

And yet all this did not satisfy the Council of State at Geneva. They submitted to the Great Council, early in 1873, a bill which provided that no episcopal or parochial jurisdiction should be allowed in the canton without the approval of the State, and that for the future all parish priests should be elected by the Catholic inhabitants, and be removable by the State for sufficient cause. This principle having been adopted, was carried into effect by an organic law of August 27, 1873, which regulated the parochial districts, the mode of election, the composition and privileges of Church councils, and other matters of that kind. In 1875, the Great Council even voted a law, verging on the ridiculous, which forbade clergymen to appear in public in their ecclesiastical dress; upon which the liberal *Journal de Genève* pertinently remarked, that the government had better annex a tailor's pattern in a schedule to the law, in order to define what constitutes an ecclesiastical costume.

By these measures, the Genevan Government, unwarned by the example of the French Revolution,

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[1] A Radical orator, M. Chomel, declared, 'De même qu'une loi préservatrice vient d'être élaborée en vue du redoutable phylloxera qui désole les vignes, une loi doit être faite pour défendre la société contre la maladie morale qu'engendrent les corporations religieuses,'—upon which Roget rightly observes, that by the same argument Spain has forbidden Protestantism.

CHAP. XXVI.

chartered a civil constitution for the Catholic Church, by which she ceased to be Catholic, for her constitution is part of her faith. They did not leave it to the choice of the Catholics, whether they wished to remain in the old hierarchical Church, or to constitute themselves as a new elective community; but two political assemblies, of whom the majority were Protestants, constructed on their own authority a new Catholic constitution. All electors, registered on the cantonal lists as Catholics, choose the parish priest, in the form prescribed by law for the municipal elections. The priest, thus elected, has to swear to observe faithfully not only the laws of the State, but also the organisation of the Catholic worship in the republic. On the demand of a third part—at Geneva, even a fourth part—of the electors, every ecclesiastic must submit to a fresh election; and, in case of his not being re-elected, becomes ineligible again for the next four years. The law of April 27, 1874, applies the same principles to the Protestant Church. The clergy are elected by universal suffrage, everyone being entitled to vote who is born a Protestant, even though he should be avowedly an atheist. On the demand of one third of the electors, every clergyman must submit to a fresh election.

Père Hyacinthe and the Catholic State-Church.

The consequences of legislation so contrary to common sense were easily to be foreseen. For this Catholic State-Church no ecclesiastics could consent to be elected but those who had broken with Catholicism itself. Of the three who submitted to election, one only, Loyson (formerly Père Hyacinthe) was a person of importance. It cannot but produce a lamentable impression to follow the course pursued by this noble and pure mind, clouded by the illusions of the possibility of a reform of the Catholic Church, such as he explained it in an eloquent address before the *Cercle artistique* at Brussels.[1] He came to Geneva upon the positive assurance of the persons in power that the reform should be Christian, Catholic, and Liberal. 'Nous ne vous appellons pas,' they wrote to him, 'pour vous imposer la plus petite chose, nous vous demandons au contraire de nous éclairer et de nous guider. La nouvelle Église sera donc ce que vous en ferez.' When the above-mentioned laws were enacted, he had strong misgivings; but he was persuaded to accept a place as curé in the State-Church. Misunderstandings, however, soon arose. The official Catholics resolved to turn out their opponents, as the State-Church was the only recognised one, and to put their own party in immediate possession of Notre Dame, the so-called cathedral of the Ultramontanes at Geneva. Father Hyacinthe contended that the latter procedure would be morally wrong, inasmuch as the Church in question had been built by subscriptions raised by those who remained faithful to the Church of Rome; and he contended also that the law should not be enforced in the country parishes, until at least some security was given that duly qualified clergymen should be procured to take the places of the present incumbents. Finding, however, that he was not only outvoted in the ecclesiastical council, but openly insulted by the majority of their supporters outside it, and as it was certain that the Grand Council of the Canton, when appealed to, would give effect to its own legislation and comply with the demands he had opposed, he felt his

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[1] The haziness of his ideas comes out in the collection of his

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letters, addresses, etc., which he has published under the title 'La Réforme Catholique.' Paris, 1872. It is curious, however, to observe that his first rupture with the authorities of the Church was the refusal to accept a penitential sentence he had incurred by violently attacking the Gallican tendencies in the clergy of Paris. He then went to the United States and subsequently married, thus making his rupture with the Church unavoidable. Somebody has remarked, that Luther first reformed the Church and then married. Father Hyacinthe first married, and then undertook to reform the Church.

position becoming intolerable, and he therefore threw up the contest, leaving his adversaries in possession of the field; because, as he said when tendering his resignation, he was sufficiently convinced by experience that the 'Œuvre Catholique Libérale'[1] was neither Catholic in religion, nor liberal in politics.

With the departure of Hyacinthe in July 1874,[2] the only man of note disappeared from the new Church. The buildings where the other State curés officiated were empty, while those of the dissenting, that is to say, the real Catholics, were crowded. The Roman Catholics have founded lay schools, to replace those formerly held by the Congregations; while the official Catholics have no other schools than those of the State. The rural communities go in procession across the frontier to pay their homage to Mermilliod, the 'exile of Fernex,' who practically governs his diocese from that town. As for the Protestant Church, it is obvious that her essential character as a community of confession is simply destroyed by such a government of the masses.

Conflict in the Bernese Jura.

Still more violent was the crisis in German Switzerland. The district known as the bishopric of Basle has been subject to several territorial changes. The original diocese, including the temporal principality, was situated in the province of Besançon, and comprehended part of Elsass and of what is now Swiss territory. The bishops afterwards became allies of the Swiss Confederation, and in 1815 their principality was incorporated in the Federal territory, and by a somewhat anomalous arrangement, formed part of the canton of Berne. But the new bishopric of Basle was not established until the redistribution of dioceses in 1828.[1] The diocese, then newly constructed, was entirely Swiss, and embraced the cantons of Basle, Soleure, Aargau,[2] Thurgau, Zug, and Lucerne, together with the former prince-episcopal portion of the Basle diocese, attached to Berne by the Treaty of Vienna. The see of the new bishopric was removed to Soleure;[3] and the governments of the cantons concerned declared their intention of reserving the *Placet* and the right of confirming the papal nomination of the bishop.

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[1] The term *Catholique Libérale* was adopted at the Berne Congress of Old Catholics (June 1874) as a French equivalent for their German title of 'Christian Catholic' (*Christkatholisch*).—[TR.]

[2] He has now a private congregation attended mostly by Protestants, although he preaches Catholicism in opposition to the doctrines of the Reformation.

The bishop of Basle deposed.

After the Vatican Council the Old Catholic movement had taken root in this diocese, and two ecclesiastics had joined it. Bishop Lachat, who was an Infallibilist, excommunicated them. The Diocesan Conference of the seven cantons, with the exception of Zug and Lucerne, demanded him to revoke his sentence, and on his refusal to comply, proceeded to depose him (Jan. 29, 1873). Mgr. Lachat was taken by the police beyond the frontier of the canton of Soleure. He appealed thereupon to the Federal Council, denying the competence of the Conference to depose him, and maintaining that the act was null, not only as contravening the Federal Constitution, which forbids the withdrawal of any man from the jurisdiction of his lawful judge, but as having been resolved on without the concurrence of two of the cantons of the diocese. His appeal was supported by his colleagues and a number

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[1] See *ante*, p. 86.

[2] In November 1871, the Legislature of Aargau dissociated itself from the bishopric of Basle, and decreed the separation of Church and State, with undenominational religious instruction. A memorial of the Swiss bishops against this step was rejected by the Federal Council, on the ground that the canton had not overstepped its sovereign rights, and that the conventions touching the institution of the bishopric were *res inter alios actæ*, with which the Confederation had no concern. See report of appeal in *Bundesblatt*, March, 1874.—[Tr.]

[3] Episcopal Convention, March 26; and Papal Bull, May 7, 1828. See 'Correspondence respecting the Relations between Foreign Governments and the Court of Rome,' 1851, No. IV. p. 33.—[Tr.]

CHAP. XXVI.

of Catholic deputies, but it was rejected by the Federal Council. They argued that the act of the Diocesan Conference was not a judicial one, and therefore was not contrary to the article of the Constitution referred to; and that as his deposition was not, as alleged, an act of the cantons of Thurgau and Soleure, it could not be made the subject of a popular vote in those cantons.[1]

Decree of expulsion against Catholic priests. Jan. 30, 1874.

The consequences of this measure now became very serious throughout the Bernese Jura. The Cantonal Government of Berne commanded the clergy to break off all intercourse with Mgr. Lachat. Sixty-nine curés, out of a total of about 100, refused to obey, and protested against the interference of the Government in Church matters, and the imposition of a Church constitution which had not received the sanction of the pope. The Federal Council declined to interfere on their behalf, and decided a month afterwards (December 12, 1873) to hand the papal nuncio his passports, in consequence of the pope's last encyclical. On January 30, 1874, the Bernese Government published a decree of expulsion against the refractory priests. They reduced the 69 benefices to 28, and issued a fulminating proclamation against Ultramontanism, which was ordered to be read aloud from all the pulpits. This proceeding was much worse than even that at Geneva. There the hierarchy had begun by putting themselves in the wrong, and a number even of Catholics sided with the Government. But Mgr. Lachat had only done what, as a Catholic bishop, he was bound to do: he had submitted to the decision of the Vatican Council. He could not tolerate any priests in his diocese who preached against Infallibility; and just as little could the clergy in the Bernese Jura break off, at the orders of the civil power, all intercourse with their legitimate head. The impolicy, moreover, of these proceedings was shown by the fact, that the whole population stood to a man on the side of the clergy, as was proved by the elections to the National Council,[1] which, with one solitary exception, resulted all in favour of the Opposition.

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[1] The details of the controversy since 1871 are given in the *Bundesblatt*, or official paper of the Confederation.

Illegal continuance of the decree.

Technically speaking, no doubt, the decree of Jan. 30, 1874, however manifestly high-handed and unjust, was within the limits of legality; since the Federal Constitution of 1848 only provided (Art. 43) that 'no Canton shall be allowed to declare a citizen to have forfeited his rights of citizenship.' But after May 29, 1874, when the revised Federal Constitution[2] came into operation, this plea was no longer available; for the new Article 44—the Federal 'Habeas Corpus Act,' as it has been rightly termed—explicitly declared that 'no canton shall *expel* any cantonal burgher from its territory, or declare him incapable of civil rights.' After this, the decree of expulsion was plainly illegal, and it was the clear duty of the Bernese Government to revoke it. This, however, they refused to do; nor could the Federal authorities be persuaded at first to stir, although an appeal, with 9,160 signatures, from the Catholic population of the Jura, demanded the withdrawal of the decree as unconstitutional. Matters continued in this state until early in 1875,

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[1] It may be useful to add, for the reader unfamiliar with the Swiss constitution, that the National Council (*Nationalrath*), from which the clergy are excluded, is the Lower House of the Federal Assembly (*Bundesversammlung*), which holds the supreme legislative authority in the country, the other branch of the Legislature being the States-Council or Senate (*Ständerath*). The supreme executive and administrative authority is vested in the Federal Council (*Bundesrath*), consisting of seven members elected by the Federal Assembly, the two Houses voting as one body for that purpose.—[Tr.]

[2] The Federal Constitution of 1872 had been rejected by a popular vote. The new scheme of 1874, which was accepted, was different in many points from its predecessor.

CHAP. XXVI.

when a case occurred to strengthen the opposition to the obnoxious decree. M. Guttmann, a Bernese citizen, had been expelled from the canton of Berne by the cantonal authorities. He had retired to the canton of Neuchatel, and the government of that canton complained to that of Berne of the consequences which the decree of expulsion had entailed. These remonstrances having proved unavailing, the government of Neuchatel appealed to the Federal Court, sitting at Lausanne. The latter declared (Feb. 26) the decree of expulsion to be contrary to Articles 44 and 45 of the Federal Constitution, and quashed it accordingly. Renewed complaints being made to the Federal Assembly against the decree of the Bernese Government banishing the refractory priests, they were referred to the Federal Council, who at length took courage so far (March 27) as to invite the Cantonal Council to reconsider its decree, and to report whether it intended to maintain the operation of the sentence, and if so, to explain the reasons why it deemed this 'exceptional measure' necessary.[1] The Bernese Government, whose conduct meanwhile the cantonal Grand Council had approved by 158 votes against 20, replied at length (May 25) that as soon as the proposed law, relating to disturbances of religious peace, which had been submitted to the Grand Council, had been received back from that body, and afterwards from the people at large, the Government would withdraw the decree of banishment, first against those who had least compromised themselves, and afterwards against the other and worse offenders. Of the Draconic severity of this law it will be necessary to speak

The Federal Council demands its withdrawal.

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[1] In consequence of a rumour that the Federal Council were about to decide in favour of the appeal of the priests, about 60 members—or nearly half—of the *Nationalrath* held a meeting at Pfistern, and discussed the question of demanding, in that case, an extraordinary session of the Federal Assembly.

hereafter: it is material however, at this stage of the dispute, to observe that it was regarded by its authors, as the preamble indicated, as one of the 'mesures nécessaires' authorised by Article 50 of the new Constitution.[1] But this monstrous pretension, which would legalise almost any infringement of liberty, and neutralise altogether the rights solemnly guaranteed to individual citizens, under the specious plea of providing for public order against clerical aggression, was too much for the patience of the Federal Council, who were anxious, in common with a growing section of the moderate Liberals, for a termination of the dispute. Accordingly, on May 30, they resolved to inform the Bernese Government that the decree of expulsion must be withdrawn within two months.[2] This resolution, after recapitulating all the circumstances of the affair, and adverting to the decision in the case of Guttmann, showed conclusively that Article 50 could not be construed into providing for the maintenance of religious peace in such a manner as to allow of 'necessary measures' to be taken for that purpose, which restricted the enjoyment of constitutional rights; and secondly, that although the revised Constitution did not annul at once the decree of Jan. 30, 1874, issued before its operation commenced, but gave the Government time to withdraw it, still that time was not indefinite. Arguments so conclusive failed, however, to convince the Bernese champions of *Kultur*; and the latter appealed to the Federal Assembly. This appeal itself was irregular, for the law which determines the competence of the Federal Court,[1] excludes expressly the decision of all disputes relative to the application of Articles 49 and 50 of the Federal Constitution—in other words, to questions of religion. What was of more serious importance, however, apart from the injustice suffered by peaceful citizens, whose only crime consisted in refusing to be coerced into joining the Catholic State-Church, is the fact that the Constitution itself was invoked to justify this persecution, and a Pasha government was carried on under pretext of the law. The appeals of the ejected bishop and his fellow-sufferers ultimately came before the two Houses of the Legislature. With regard to Mgr. Lachat, the lower House decided against him by 80 votes to 14, and their decision was supported in the Council of Cantons by 20 to 15. With regard to the Bernese priests, the *Ständerath* accepted the vote against them, passed in the *Nationalrath* by 74 against 25, as decisive.

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[1] The clause, as originally inserted by the *Nationalrath*, authorised the Cantons and the Confederation, in addition to their old power of preserving peace between various denominations, to 'prendre les mesures nécessaires contre les empiètements réciproques du domaine civil et du domaine religieux.' The *Ständerath* struck out these words; and finally both Houses agreed to the clause as follows:—'Contre les empiètements des autorités ecclésiastiques sur les droits des citoyens et de l'état.'—[Tr.]

[2] The *Nationalrath* on June 29, after two days' debate, agreed, by 96 votes against 29, to extend this time to November 18.—[Tr.]

State organisation of the Church in Berne. Jan. 18, 1874.

The decree of the Bernese Government, which led to all this controversy, was in fact only part of their general system of high-handed policy towards the Church. They might have decreed, as Aargau had done, the separation of Church and State, with a view to terminate the religious difficulty, such an act being well within the sovereign rights of the canton. But such a step would not have suited the Liberals, who wished for a Church dependent on the State, and which they could manipulate at will. And at Berne, accordingly, as at Geneva, a Catholic State-Church was established. The new law, passed in January 1874, immediately before the decree of expulsion, enacted that all Catholic as well as Protestant parish priests should be elected by a majority of the adult parishioners, whose names were entered in the electoral roll of the commune under their respective denominations. No episcopal collation was, in fact, required; the person elected became capable of holding office at once, if approved by the civil authority. A Catholic Church Commission was formed on the pattern of the Evangelical Synods; charged with a nominal right of superintendence, but practically deprived of any voice in the government of the Church, since every parish has the power of opposing a veto to their decisions by a vote of the majority of the electors. A subsequent law of the Grand Council, already alluded to, relating to the disturbance of religious peace, laid down a series of penal regulations against transgressing the limits of freedom of worship, which virtually reduced that freedom to a nullity. No public religious processions or ceremonies were allowed, except in places set apart for that purpose. Priests or other ministers of religion were forbidden to perform spiritual functions, if they belonged to a religious order forbidden by the State, or were demonstrably subject to the jurisdiction of a foreign bishop. For the exercise of episcopal functions in cantonal territory, by foreign ecclesiastical superiors, the assent of the local government was required; such assent was to be given only for a time and for the performance of definite acts, and was not to be transferred to any territorial delegate. Meetings of religious societies, calculated to disturb public order and morality, were to be stopped by the police, and the culprits handed over to civil judges for punishment. Fines were attached to a breach of these regulations, varying from 200 to 2000 francs in amount, or imprisonment up to two years. The ordinary criminal code and the machinery of police procedure were to govern the trial and sentence of ecclesiastical misdemeanants. This *Kultur-*

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[1] The judges of the Federal Court are chosen by the Federal Assembly; their term of office being extended by two Acts of June 26 and 27, 1874, from three years to six.—[TR.]

Law relating to religious peace May 21, 1874.

Kampf[1] has been prosecuted by the Radicals by means of reckless jobbery and extravagance; and public moneys were squandered to bolster up the State-Church of their creation, in a manner fitted to estrange even the most enthusiastic admirers of republican institutions.[2] The surplus out of the grant set apart for the maintenance of Catholic worship, which remained in consequence of the reduction of the number of priests from 96 to 28, was not returned to the treasury, but misapplied for the payment of various irregular expenses and largesses. Upwards of 25,000 francs were wasted in ransacking the continent for new State-Catholic priests, and in pecuniary advances to those who were installed, men in several cases of very questionable character. Notwithstanding the attraction of high salaries, the Government found it no easy matter to supply the places of the expelled priests. In Belgium and France, whither emissaries were sent for that purpose, the Old Catholic movement had scarcely taken any root; and the German Old Catholics for the most part kept aloof from these proceedings of the Bernese authorities.

Revision of the Federal Constitution. 1874.

This melancholy state of things in Switzerland experienced no improvement from the revision of the Federal Constitution; on the contrary, it is impossible not to see, in the spirit of many of the new provisions, a spirit which, as an English critic observes, clearly aims at the humiliation of a particular religious body.[1] The new Constitution secures, it is true, liberty of conscience; it guarantees freedom of worship 'dans les limites compatibles avec l'ordre public et les bonnes mœurs,'[2]—in other words, so far as may be deemed expedient by the cantonal Governments—and it forbids that any man shall be subject to any civil or political disqualification on the ground of his religion. But it gives no real liberty of union, for it forbids that any citizen should be subject to any punishment whatever—consequently also ecclesiastical punishments—on account of his religious opinions. 'The question is,' said the Radical deputy Herr Anderwert, 'how to prevent the bishops from depriving priests of office, from excommunicating the clergy and the faithful, who refuse to accept certain dogmas.' In other words, the main object was to compel religious communities to recognise in future those of their members who have practically renounced their communion. By so doing, the basis of every fixed confession, and the possibility of any discipline, are nullified as effectually as by the chartering of a Church constitution by the State.[3] Article LI. gives the Federal power the right to extend the same prohibition as that existing against the Jesuits to other religious orders. The right of visitation over convents and other religious houses, which lies fairly within the competence of the State, is not indeed affirmed; but Article LII. prohibits the foundation of new, or the restoration of suppressed, monasteries, without the sanction of the Confederation. Again, it was originally proposed that no one should be compelled to contribute towards the objects of a religious society to which he did not belong. But since this provision was deemed incompatible with the principle of an Established Church and a clergy salaried by the State, the freedom of exemption was restricted in the *Ständerath* to taxes employed 'specially for worship,'[1] which was still an evident injustice to Dissenters.

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[1] I have retained the original expression, not being aware of any precise equivalent in English. The phrase, as the author informs me, was first used by a Prussian Deputy.—[Tr.]

[2] Full evidence of this is furnished by the cantonal budget for December 1874, the items of which form an instructive commentary on the policy of the Government. With regard to the new State-Catholic Theological Faculty, instituted by the recent law, it is curious to find an entry, under date July 3, 1874, of moneys paid for consultations with *Protestant* professors of theology.

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[1] *Saturday Review*, April 4, 1874.

[2] Art. 49. The old Article 44, which it superseded, ran thus:—'Le libre exercise du culte *des confessions Chrétiennes reconnues* est garanti dans toute la Confédération.' The words in italics have been expunged.—[Tr.]

[3] Article L. gave rise to strong protests from the Roman Catholics at Lucerne, as being devised in favour of the Old Catholics. It runs thus:—'Les contestations de droit public ou de droit privé, auxquelles donne lieu la création de communautés religieuses, ou la scission de communautés religieuses existantes, peuvent être portées par voie de recours devant les autorités fédérales compétentes.'—[Tr.]

If the central Legislature itself thus set the example of illiberalism in its dealings with the Church, it is the less surprising perhaps that Radical governments in the Cantons should have opposed intolerance with intolerance. That a system of legislation, indeed, which, like that at Geneva and Berne, reproduced the old fundamental errors of the civil constitution of the clergy during the French Revolution, can never lead to any prosperous or satisfactory adjustment of the relations of Church and State, is sufficiently obvious. But that such legislation could be carried into effect in such a boasted soil of liberty as Switzerland, is only a fresh proof that democracy in itself has nothing in common with real liberty; and that the Radicals, there as elsewhere, make no scruple to turn to their utmost profit the tyranny of the majority, in order to satisfy their hatred against the Church.

(e) *Germany.*

Germany after the war of 1870-71.

After the peace of Frankfort, Germany occupied a position hitherto unequalled. Not only had she come forth from a gigantic but just war with victory and honour, but she had gained a firm bulwark of security in a long-estranged province, and she had laid the foundations of her unity, so long desired, in the common struggle against the foreign aggressor.

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[1] The clause proposed in the *Nationalrath* was as follows:—'Nul n'est tenu de payer des impôts dont le produit est affecté aux frais du culte d'une confession ou d'une communauté religieuse à laquelle il n'appartient pas.' The form finally adopted was:—'Nul n'est tenu de payer des impôts dont le produit est spécialement affecté aux frais proprement dits du culte d'une communauté religieuse à laquelle il n'appartient pas.'—[Tr.]

Doubts might fairly be entertained, whether this was the right moment for undertaking the readjustment of the relations of Church and State—an enterprise which, from its nature, offered the inevitable prospect of a serious conflict with the Roman Catholic hierarchy—for the war itself, however brilliant its success, had greatly taxed the energies of Germany, and the nation longed for the repose of peaceful industry. On the other hand, the situation offered many favourable reasons for attempting the solution of a problem which sooner or later would have to be grappled with. The German Episcopate had played at the Council a miserable part, of which the best and most keen-sighted Catholics were heartily ashamed; and the Dogmatic Constitution of July 18, 1870, gave to the State, even in formal terms, the right, which Prince Bismarck, in his despatch of January 5, 1870, to Baron Arnim, had expressly insisted on, to subject to a revision its relations with the Catholic Church. Moreover, the Chancellor of the Empire could scarcely deceive himself as to the fact, that, after having declined to entertain the demand of launching Germany on a voyage of military and diplomatic adventure for the restoration of the temporal rule, the new Protestant Empire would find in the Curia an adversary, which might not scruple, in revenge, to employ its dominion over the German bishops for the furtherance of very dangerous ends.

But weightily as these reasons advocated the prudence of taking this long-neglected task in hand, it was nevertheless clear that the question would have to be approached

Bismarck's friendly relations with Rome before the war.

with great circumspection. Caution, indeed, was doubly necessary, since the task conditioned a change of system for the Government, and for its leading statesman. For up to this time Prince Bismarck had not only allowed the hierarchy full liberty of action, but had taken every pains to smooth its road. The two archiepiscopal sees had been filled in 1865 with Ultramontanes of the purest water. Count Ledochowski, who, when papal nuncio at Brussels, had promised the Prussian ambassador there, von Savigny, to forbid the clergy to take part in the Polish agitation, was forced upon the Chapter at Posen by joint pressure from Rome and Berlin, although it must have been perfectly well known that as papal nuncio in Columbia he was the soul of the Ultramontane movement, and was obliged to leave Bogota when the Liberals proved victorious.[1] If the Curia was frustrated in its wish to promote Ketteler to the archbishopric of Cologne, the result was due simply to the energetic opposition of the provincial authorities. Melchers, who ultimately obtained the primacy, not indeed by capitular election, but by the nomination of the pope, with the consent of the Government, was a man distinguished not so much for his ability as for his pliant subservience to the Jesuits. The failure of the scheme to make Ledochowski a nuncio at Berlin, which would have converted the Court into a dangerous hotbed of Ultramontane intrigues, was due solely to the sound sense of the king; but it is remarkable that the Chancellor, who had advocated the project, was found afterwards to declare, in his speech of January 30, 1870, that this expedient might still have to be reverted to. During the debate on the Constitution in the North German Parliament he had used the following language in his speech against the Poles (March 18, 1867):—'Should any such attacks be made' (against the Catholic Church), 'you may rest assured that the Catholics will find in the Prussian Government and in myself personally allies quite as resolute and trusty as perhaps in my Catholic colleague, the Privy Councillor von Savigny.'[1] The clergy of the newly incorporated provinces had entered at once, and without any hindrance, into the full possession of the liberties which they enjoyed in Prussia; and the official press dwelt repeatedly on the eminently satisfactory character of the relations with the Holy See, which in return acknowledged with gratitude the justice done by the Government to the wishes of the Catholic Church.[2] The 'North German Gazette' acknowledged (April 25, 1875) that Prince Bismarck had requested the mediation of the pope for inducing the provisional government of France to conclude peace. Even in January 1871, Cardinal Ledochowski felt so much confidence in the benevolent attitude of the Government towards Rome, that he went to Versailles to plead in person for the restoration of the temporal power of the pope. What answer he received from the emperor or the chancellor is not recorded, but this much is known, that he was treated with marked courtesy and returned home in high spirits, convinced that, after peace was signed, Prussia would take the initiative of a Congress, in order to interfere, with the common consent of the European powers, on behalf of the pope; and that the Italian Government was so alarmed, that it felt obliged to ask for explanations at Berlin.

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[1] 'Norddeutsche Allgem. Zeitung,' Nov. 18, 1873. Compare also the article in the 'Quarterly Review,' April 1874, written by a councillor of the German Foreign Office.

Ledochowski's visit to Versailles.

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[1] Stenogr. Bericht., p. 211.

[2] At the coronation at Königsberg in 1861 the present emperor replied to an address presented by Cardinal Geissel, archbishop of Cologne, 'It is satisfactory to me to find that the relations of the Catholic Church are well regulated for the whole country by history, by law, and by the constitution.'

Reversal of Prussian policy.

While now the political motives, which no doubt dictated this friendly policy of the chancellor, no longer existed; and it was felt desirable to break with the false system which had hitherto prevailed; on the other hand, it was just as futile to think of effecting any formal agreement with Rome, as to accept the principle, so little recommended by the manifold relations of Church and State in Germany, of an abstract separation of the two powers. But in this change of front, which challenged the resistance of the clergy, it was imperative to avoid everything that was calculated to alienate or provoke the more intelligent as well as the indifferent portion of the Catholic population, more especially as the number of Catholics—a circumstance of double importance since the introduction of universal suffrage—had been largely increased by the accession of South Germany and the immediate territories of the Empire. The more strenuously the clergy, as a matter of policy, would endeavour to make capital out of the curtailment of their political rights, in order to excite religious passion, the more important it became for the Government not to allow the conflict to be waged on religious territory. That such a contingency is possible, has been shown by the Austrian legislation of 1874. The majority of Catholic laymen are, after all, men of modern ideas, who naturally, therefore, appreciate perfectly well the legitimate claims of the State in respect of the hierarchy. If these claims were insisted on with equal firmness in point of substance, as tact and consideration in point of form—namely, by repelling, on the one hand, all encroachments of the Church on the dominion of the State, and exercising with proper energy the right of supreme civil control over all the schools, the 'unions,' and the institutions of the clergy; and by minimising, on the other hand, as far as possible the legal points of contact between Church and State, through the introduction, for instance, of facultative civil marriage, civil registration, and other measures of that kind—it was probable indeed, that even within the pale of the Catholic Church, numerous allies would join the Government; but at all events the conflict with the Episcopate would not spread to the people.

Proper principles of State action.

A policy of this kind, such as every consideration of prudence dictated, naturally connected itself with those articles of the Constitution which concerned the relations of Church and State; and those very articles, from the loose and vague language in which they were framed, had become the origin of the evil. It was necessary, therefore, that they should be more closely defined, so as to secure, by means of organic laws, the recognition of freedom to the Church in the administration of her internal affairs, and the enjoyment of its rightful supremacy to the State. Legislation of such a nature grouped itself naturally into three divisions. First of all, in an interconfessional religious law those principles were to be established which the State has to insist upon in regard to all religious societies. Furthermore, two special laws were needed to adjust the legal relations between the State and the two great Churches which embrace the large majority of the population; for it is impossible to treat after one and the same pattern the Catholic and the Evangelical Churches, which rest on totally different foundations.

The Government assumes the offensive.

Instead, however, of following such a policy, which from its purely defensive character would have presented no point for attack to the Catholic Church, the Prussian Government chose rather to assume the offensive, and that on an extensive scale. The first skirmishing began in the debate on the Address in answer to the speech with which the emperor opened the new Reichstag (March 21, 1871). A Catholic party now appeared in that Assembly, under

The new Catholic party of the *Centre.*

the name of the *Centre*,[1] which Prince Bismarck denounced later on (Jan. 30, 1872) as a 'mobilisation against the State.'[2] Now it is certainly not a normal state of things, if a parliamentary party is formed, which judges all questions from the one particular point of view, whether its denominational interests are favoured or otherwise; but it is one of the unfavourable consequences of parliamentary government that special questions of great interest become permanent party questions. When Cobden and his followers demanded the repeal of the Corn Laws the landed proprietors became at once their natural opponents. It is most desirable that religious questions should not become the standard and rallying-cry of parties, though Irish experiences show that it is very difficult to prevent their taking such a character. At any rate it is certainly a condition of primary importance that the State itself should abstain from encroaching on the internal domain of the Church, otherwise it is only natural that the members belonging to a particular denomination should make it their first care to defend their own religious interests.

Debate on 'non-intervention' in the Address.

The new party of the *Centre* were reproached for having attempted to introduce a passage in the Address requesting the intervention of the Government in favour of the pope. But it should not be lost sight of that they did so only by way of an amendment after the Liberals had inserted in the draft of the Address a paragraph to the contrary effect, in which non-intervention was expressly demanded. The *Centre* offered to pass over the question in silence, if the Liberals would withdraw their demand; but the latter insisted on their clause, which was ultimately retained, and rejected all offer of a compromise. Another proposal of the Catholics to insert the paragraphs of the Frankfort Constitution of 1848 respecting the liberty of the Church, with the omission, however, of the clause that it should remain subject to the laws of the State, was rejected by an overwhelming majority. And this was unquestionably right. The motion was, even from the point of view adopted by that party, a false move: it was resisted by their leader himself, Herr Windhorst, though his objections were overruled by the passionate bishop of Mayence, who only courted defeat. Shortly afterwards a member of the Free Conservative party, Count Frankenberg, asserted publicly that Cardinal Antonelli, in a conversation with Count Tauffkirchen, who, after the departure of Count Arnim, acted as representative of Germany, had disapproved of the position taken by the Catholics in the Reichstag. The Ultramontane papers denied this. A letter of Prince Bismarck to Count Frankenberg confirmed the fact. It was answered by a formal denial of the official Roman journal. Soon after the sitting of the Reichstag was ended, the official press began to preach war against Rome, who was represented as having always been the enemy of the German Empire, and as her irreconcilable adversary at present. This allusion to the ancient struggle of Empire and Papacy was a misconception altogether from the first; for the only analogy between the Middle Ages and the present time is this, that there is in both instances an emperor on the one side and a pope on the other. But there the parallel ends. The present Empire is no continuation of the old cosmopolitan and ecclesiastical Empire;[1] but a new and purely national institution, comparable only in past history perhaps with the

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[1] So called from the position they occupied in the Chamber. They numbered at that time about sixty members.—[TR.]

[2] An inaccurate expression at the best; for mobilisation precedes the struggle, and the latter had lasted already for some time. There had been a Catholic party in the Frankfort Parliament as well as in the Prussian Diet.

The Pope and the *Centre.*

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[1] It was a piece of truly naïve ignorance, therefore, for the official papers to pretend that Germany possesses a right of control at the next

German Kingdom of Henry I., inasmuch as it embodies the unity of the German State in the person of the emperor. With regard to the declaration of war on the part of Rome, unquestionably both Syllabus and Vatican decrees were the result of an aggressive policy against the modern State in general. But the Syllabus had been published years ago without any objection being raised by the Prussian Government; and as to the Vatican dogma, Prince Bismarck declared as recently as January 30, 1872, that 'dogmatic controversies about changes and declarations which may have occurred within the dogma of the Catholic Church are foreign to the Government, which must hold itself aloof from them accordingly.'

Confused policy of the Government against Rome.

If now it was an error from the first to suppose that a power like the Catholic Church could be intimidated by such harsh proceedings as marked the new policy of the Government, it might fairly have been expected that some settled plan of action had been prepared. But not a trace of such foresight was visible in the first stage of the struggle; wise and foolish measures crossed and contradicted each other indiscriminately It was a wise act, undoubtedly, to abolish (July 8, 1871) the Catholic department of the Ministry of Public Worship; for in so doing the State removed an enemy from its own house. Of far more doubtful wisdom was the addition to Article 130 of the Penal Code, concerning protection against the abuse of the pulpit. Undoubtedly the abuse of ecclesiastical liberty should be resolutely punished; but if the regulations previously in use appeared insufficient for that purpose, they should have been subjected to a far more comprehensive revision, as has been the case in Italy. On the contrary, the clause, as proposed by Bavaria to meet a momentary requirement in that king-

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papal election, on the ground that such right was exercised by Charlemagne and the Saxon and Swabian emperors.

dom, gave the impression of an exceptional enactment of convenience, which produced of necessity an exasperating effect, and has after all proved of little practical use.

Case of Dr. Wollmann.

Again, with regard to the question of the Old Catholic teachers, the Minister of Public Worship took up an utterly false position. A teacher of religion at the Gymnasium at Braunsberg, Dr. Wollmann, had refused to submit to the dogma of Infallibility, and had consequently been suspended in his functions by the bishop of Ermeland. He appealed to the Government, which not only maintained him in his position, but even required that parents should continue to send their children to his lessons on religion.[1] This was indefensible; and it was simply a perversion of fact when the *Provinzial-Correspondenz* declared that the Government prohibited no one from publishing the decrees of the Council, but merely declined to compel Catholic teachers, whose consciences forbade them to accept those decrees, to submit under the joint pressure of the secular arm. There was no question at all about any such compulsion. The Constitution granted to the Catholic Church the right of conducting the religious education of her members; she had issued the Vatican decrees through her constitutional organs; whoever disobeyed those decrees must have been fully aware that he no longer belonged to her, and consequently could no longer give religious instruction in her name. But if the Government, in the face of these plain facts, were unwilling to take their stand on strict law, and preferred that of equity, they would have been perfectly entitled to say that although Dr. Wollmann might not be orthodox, he had done nothing, so far as the Government were concerned, to justify the withdrawal of his salary: if the bishop wanted a teacher of orthodox doctrine, he might appoint one at his own expense; for the same case might be repeated, and the Government were not in a position to pay two schoolmasters. But instead of this, the Minister von Mühler declared that as the Old Catholics claimed to be still members of the Catholic Church, and only protested against an innovation, the State, who was not called upon to decide in matters of dogma, must also consider them as such. This argument contradicted itself. Apart from the fact that the opinions of individuals can never upset the decisions of the organs of the Church, it seems to have wholly escaped the minister, that in one and the same breath he was protesting his desire not to interfere in dogmatic disputes, and yet asserting that Dr. Wollman, although rejecting Infallibility, still remained, as before, a member of the Catholic Church. What else was this but an opinion on the point of dogma?[1] By so acting he directly contravened the principle which the Government shortly afterwards, at the abolition of the Catholic Department, laid down quite correctly as a guide of conduct, namely, that henceforth, in all matters affecting the Catholic Church, the 'principles of civil law should be the sole and absolute measure of State policy.' The case stands simply thus. The State occupies a certain fixed legal position towards the Catholic Church, as constituted in a definite manner. The latter now proceeds to change her dogma and her constitution. Either the State recognises this change, and therewith the identity of the Church, as heretofore existing before the law, in which case it must recognise also the verdict of the Church as to whether Dr. Wollmann is a Catholic or not; or, on the other hand, it declares that the change effected in and by the Church has altered her legal position towards the State. Now the Government were fully entitled to declare that the proclamation of Infallibility had brought about 'not only an essential change in the doctrinal *status* of the Church, but also a deeply-penetrating revolution in her collective position towards the State.[1] But this in no way entitled them to set up that dogma as facultative. They were bound either to have said that the opponents of Infallibility constituted the Catholic Church, with which the State had contracted, and were entitled, therefore, to all the rights she had hitherto enjoyed; or else—as was the only logical alternative—that they recognised the new dogma as emanating from resolutions of the legitimate organ of the Catholic Church, but perceived in it such a change in the relations of that Church with the State that the latter was compelled to submit those relations to a revision. It is perfectly logical to consider either the infallibilists or their opponents as the only orthodox Catholics, but not both parties together, who are mutually disputing this claim.[2]

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[1] See the letter of von Mühler to the bishop of Ermeland, June 29, 1871. The last demand was subsequently withdrawn.

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[1] Letter of July 21.

Expulsion of the Jesuits, July 4, 1872.

When now in May 1872, all direct attempts to effect an understanding with Rome had failed through the refusal of the pope to receive the Cardinal Prince Hohenlohe as German ambassador at his court, the way was prepared for commencing in earnest the campaign against Rome. The first step was the expulsion of the Jesuits. The Liberals, who supported the measure, which had been already demanded by the Protestant

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[1] *Prov.-Corresp.*, August 2, 1872.

[2] Bavaria likewise has adopted an illogical position. On the one hand, the Minister of Public Worship von Lutz declared that the Government recognised the Old Catholics as true members of the Church (Oct. 1871), and on the other hand, the Government refused to admit Bishop Reinkens, on the ground that the Bavarian Concordat stated (Art. I.) 'Religio Catholica Apostolica *Romana* in toto Bavariæ regno . . . conservabitur.' They might have evaded the difficulty by the technical objection that the new dogma had not received the royal *Placet*, and had consequently no existence, so far as they were concerned; but they never instituted any proceedings against the bishops who promulgated it in spite of this defect.

Union (October 5, 1871), appealed in so doing to the precedent set by Martignac and Guizot with respect to the Jesuits; but they overlooked the fact that in both those cases the question was as to the maintenance of an existing prohibition, in defiance of which the order had settled in France. Such a prohibition existed likewise in several German countries, as, for instance, in Saxony, but not in most of them, and particularly not in Prussia, where the Jesuits resided by virtue of the freedom of association granted by the law. It would certainly have been desirable that they had never been introduced, and it is equally certain that their activity was pernicious; but did not the same objection apply to other orders? It was said that the Jesuits had conspired against the new Empire; but if proofs of this offence existed, why were they not produced and the guilty members arraigned before the Courts, which would have inflicted far more severe sentences upon them than expulsion? The proper means for breaking the influence of the Jesuits, so far as it was possible for the State to do so, lay, firstly, in the Law of Union, promised by the Constitution of the Empire, which was bound to enforce the recognition of the right of control enjoyed by the State over all religious societies; and secondly, in the Law of Instruction, which admitted only teachers approved by the State. But to expel a particular order by an exceptional enactment without legal proceedings and a legal verdict, not only to banish its foreign members, but to place the localities assigned for the residence of the German members of the order at the pleasure of the administrative authorities, was a measure all the more questionable since it promised very little success. The establishments of the Jesuits have been dissolved, and several hundreds of the foreign members have been banished, but the Government have been obliged to tolerate those of native origin, who, moreover, in their dispersed condition, withdraw themselves all the more easily from supervision, as the real strength of the order lies precisely in its affiliated branches,[1] which are unknown. In aiming a blow at the Jesuits, it was sought to strike the real bearers of Ultramontanism; but the Jesuits, who conduct at Rome the policy of the order, are beyond the reach of chastisement; and the Catholic clergy, whom the Government wished to free from their influence, have replied to the enactment by declaring their sympathy and fellowship of interests with the order, which formerly the priests and many of the bishops had regarded with suspicion and dislike, on account of its interference in Church government. Well might one recall the words of Goethe, 'They have got rid of the Evil One, the Evil Ones have remained.'[2]

Appointment of Dr. Falk.

Meanwhile, early in the year, Dr. Falk, a former councillor in the Ministry of Justice, had taken the place occupied since 1862 by Herr von Mühler, as Minister of Public Worship. The appointment itself caused great surprise, this gentleman being known as a distinguished jurist, but never having troubled himself with ecclesiastical questions. He began by withdrawing some bills introduced by his predecessor, but maintained that on the inspection of schools.[3] The motive of this law was purely local. Archbishop Ledochowski, who kept his promise not to support the Polish aspirations so long as he stood well with the Government, had gone over, after the change of system, like his predecessor Przyluski, to

School Inspection Law. March 12, 1872.

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[1] The clause in the bill included all societies 'related to the Jesuits,' but did not specify them. The Report of the Committee, appointed by the Diet to ascertain the exact sense of this clause, extended the scope of the measure far beyond what appeared to be its original limits.

[2] 'Den Bösen sind sie los, die Bösen sind geblieben.'

[3] It passed the Chamber of Deputies by 197 against 171; the Centre the Polish members, and the Old Conservatives voting in the minority. [Tr.]

the side of the Poles. The Catholic teachers became refractory, and refused any longer to give German lessons in districts where a mixed population existed. It was decided, however, to remedy this local mischief by a general law. Article XXIII. of the Constitution declares —'All institutions of instruction and education, both public and private, are subject to the inspection of authorities appointed by the State.' This general provision was intended to be regulated in its different branches; but in point of fact it was not; on the contrary, it was declared that the right of inspection to which the commune and advowsons were entitled should remain undisturbed; only the right of ecclesiastical inspection was to be abolished: the Catholic priests and Protestant pastors were henceforth only entitled to retain their rights of inspection as nominees of the State. Now we freely admit that an independent right of the Churches to inspect the schools is open to grave objections. But then the anomaly should be regulated on general principles, as was done, for example, by Guizot, who vested the right of inspection in local school boards, of which the parish priest was an *ex officio* member. This, however, was not done. Prince Bismarck declared that the agitation fomented by the Polish priests made the law an imperative necessity. It was replied that then the law might be restricted to Polish districts. Dr. Falk rejoined that it was impossible to put those districts alone under a 'state of school-siege' (*Schulbelagerungszustand*), but he failed to answer the question, why a general state of school-siege should be declared for the sake of securing equality. The consequence was that all the Catholic priests and many of the Protestant pastors refused to continue the inspection as State nominees, and that the Government, unable to pay special inspectors for each district,[1] was obliged to entrust the duties to persons sometimes wholly unfit for the office.

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[1] The cheapness of the measure had been one of the arguments

Four Church laws of 1873.

The next year, after Dr. Falk had studied somewhat the domain which hitherto had been altogether a *terra incognita* to him, he produced four bills, destined to regulate anew the relations of Church and State. They were not dictated by practical wants, but established a doctrinal system. 'The law must be general,' said the Minister (March 6, 1872); but there are plenty of laws which are not general. If an inundation devastates a district, and the Legislature votes a sum for the relief of the sufferers, it is none the less a special law because the public exchequer provides the funds. 'We will not have any exceptional laws,' said Prince Bismarck; yet exceptional laws were passed against Jesuits and priests, and the Local Government bill applied only to five of the old provinces. The truth is, that abstract principles of this description are worth nothing at all, and that the real test and criterion of legislation is whether it covers the requirements of practical life. Such, however, was not the view of the Government. The four bills, elaborated with the assistance of several professors, created at first sight the impression that their intention was to collect from various quarters all that had ever been propounded with a view to impose the strictest possible shackles upon the Church. Of the bill relating to secession from either Church to the other, which provides that converts may change their communion on making a declaration to that effect before the local magistrate,[1] there is nothing particular to be said; it has met with scarcely any opposition. But the other three bills were of a different character, and

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advanced in its favour; 3,000*l.* a year was the sum originally named for carrying out its provisions. It has rapidly risen to 5,000*l.*

[1] The existing law required a previous consultation with the priest or pastor.

could not fail to provoke comment and criticism. In point of form even they were clumsily constructed, for it was impossible to reconcile them, as they stood, with Articles XV. and XVIII. of the Constitution.[1] The Minister declined, however, to move any amendment in this respect, and it was left to the House of Deputies, acting on the report of their Committee, to make the necessary alteration of the Constitution by means of a Supplementary Bill (April 7, 1873). Scarcely even had the original bills, after a multitude of amendments, become law,[2] than they exhibited gross defects and obscurities which had been previously overlooked, and which it was now attempted to supply and explain. Their substance, notwithstanding, showed clearly enough that their originator was not a master of his subject; for sound and practicable regulations were mixed up with others that were both false and impracticable. In the first place, it was utterly mistaken and unjust to issue such stringent laws against the Catholic and Evangelical Churches alike,

Unfair treatment of the Evangelical Church.

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[1] The Articles, now abolished, ran as follows, the words in italics having been inserted in 1873:—'Art. XV.—The Evangelical and Roman Catholic Churches, as well as every other religious community, order and administer their own affairs independently, *but remain subject to the laws and legal inspection of the State. In the same measure,* every religious community remains in possession and enjoyment of the establishments, foundations and endowments, appertaining to its various objects, religious, educational, and charitable.

'Art. XVIII.—The rights of nomination, proposal, election, and confirmation in the filling up of ecclesiastical offices are abolished, so far as depends upon the State, and so far as the rights of patrons and other legal privileges are not involved. This provision does not apply to the appointments of clergymen in the army and other legal institutions. *Moreover the law regulates the privileges of the State, in reference to the training, the appointment, and the dismissal of clergymen and ministers of religion, and fixes the limits of ecclesiastical disciplinary power.*'

[2] The four bills were adopted by the House of Deputies on March 20, 21, and by the Upper House on May 1, 1873, passing each Chamber by a majority of two-thirds.

whose relations towards the State are so widely different. The Evangelical Church has been forced to acquiesce in these laws, but she suffers heavily from their operation, and the constitution subsequently imposed on her by the Government is no longer the same as it would have been before the laws in question were enacted. Whereas the liberation of the Evangelical Church from the leading-strings of the State would be the first and most effectual weapon against Ultramontanism, the Liberal party, as is shown by their treatment of the question of the Constitution, are seriously apprehensive about her independent existence. It was attempted to defend this plan of proceeding by the plea that the principle of religious parity required it. But the parity of denominations has been only the juridical expression of the former relations of the two or three established religious communities in Germany. The imperial laws and treaties of the sixteenth and seventeenth centuries established this parity in regard to the co-estates of the Empire. The Federal Act of 1815 guaranteed equality of civil rights to Catholics and Protestants within the States of the Confederation. The Prussian Constitution and that of the Empire have declared that political rights also shall be independent of sect or creed. The historical idea of parity, therefore, has no longer any ground of application. Moreover, it is an absurd perversion of that idea to interpret it in the sense, that if measures against one Church were resolved on for a special reason, the same ought to be applied to other Churches without any reason at all. Dr. Falk was obliged to admit in his introductory speech that the Evangelical Churches could not be reproached with any invasions of the territory of the State, but he said that it had seemed suitable to include them in the proposed legislation, in order to preserve impartiality and to avoid the appearance of wishing to unite with Protestantism for

Plea of parity examined.

the oppression of the Catholic Church; that, moreover, no one knew what the Evangelical Churches might do some future day. These excuses showed the untenable position of the Government. By striking the innocent together with the guilty, just as little impartiality and justice are displayed, as by putting fetters on a person who has done no wrong, on the ground that he may possibly do wrong in future.

Confusion of civil and spiritual jurisdiction.

But the peculiar fault of these laws is this, that they confound altogether the respective dominions of Church and State. It was perfectly right when the law on ecclesiastical censures and penal correction prohibited the infliction of those which affected 'the person, property, liberty, or civic repute' of the delinquent; though it was certainly inconsistent with this provision to allow—as was done by the law of May 12 on Church discipline—the withdrawal of personal liberty for three months by imprisonment in a penitentiary in Germany,[1] and a fine to the extent of a month's salary. It was also quite legitimate to interdict the exercise of ecclesiastical punishment for political acts, for spiritual remedies are not to be misused for temporal purposes. But it was overstepping the competence of the State to include among the forbidden forms of publishing defamatory ecclesiastical censures the *excommunicatio major*, on the ground that it was connected with formulas of cursing which were injurious to the civil *status* of the offender. It is difficult, moreover, to understand how the State can forbid the Church to inflict the *excommunicatio major* upon any Catholic who rejects Infallibility so long as the

Law on ecclesiastical punishments 1873.

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[1] These institutions of *demeriti* (*Demeritanstalten*) were subjected now to strict supervision by the State. The misuse which Catholic superiors had made of their authority in these establishments had occasioned frequent scandal. The infliction of corporal punishment was now altogether forbidden.

Church does not demand that the State should recognise the canonical infamy which it entails. At any rate, if the priest, when publishing the sentence of excommunication, insults the person concerned in such a manner that his civil character is attacked, there is a remedy for this already in the Penal Code.[1]

Law on Church discipline.

But the law on Church discipline cuts still more deeply into purely ecclesiastical territory by the establishment of a Supreme Court for ecclesiastical causes. This court of appeal, consisting of eleven lay members, six of whom must be judges, decides finally on all Church questions submitted to it, without being bound by any positive rules of evidence; and its jurisdiction can be invoked by any ecclesiastic who has been removed from office against his will, or visited with illegal penalties by his superior, directly he can show that he has previously had recourse without success to the appointed ecclesiastical authorities for the proper remedies provided by the law. In like manner the President of the Province has a right of appeal, against any disciplinary decision, if any public interest in his opinion is at stake. If the Supreme Court entertains and supports the appeal, it gives judgment annulling the disciplinary sentence in dispute, and may compel the ecclesiastical authorities under heavy penalties to withdraw it; but it has also the power to suspend them from office, in case their disobedience of the injunction is deemed incompatible with public order. This tribunal is obviously formed in imitation of the old *appel comme d'abus* in France; which was originally intended to check the immoderate extension of ecclesiastical jurisdiction, but which finally led to the grossest abuses. It was re-established by Napoleon from political motives,

Royal Court for ecclesiastical affairs.

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[1] Compare 'Der Katholicismus und der moderne Staat,' p. 79, Berlin, 1873. It might be enacted, therefore, that excommunication should not be published except in the churches.

but has since then been more and more rarely applied. The reason simply is that the *Appel* was the most essential bulwark of the Gallican liberties, which now no longer exist. This fact alone should have sufficed to warn Prussian statesmen of the hopelessness of reforming the Catholic Church in their country, by imitating a proceeding which, even on its original soil, has lost all practical value and importance. No doubt the despotic power exercised in the Catholic Church by the superiors over their subordinates is a serious evil. It might, therefore, very fairly have been enacted that a parish priest, in the receipt of State endowments, should not forfeit his salary through the arbitrary sentence of his bishop. But to refer to a purely temporal Court the decision whether a minister of the Church is further authorised to perform spiritual functions goes plainly beyond the competence of the State; for it practically gives that Court the power of deciding on questions of pure dogma.[1] If a priest is suspended from his office for refusing to accept Infallibility, and if the Court in question, acting on the theory that Infallibilists and Old Catholics are equally entitled to be regarded as members of the Catholic Church, pronounces that he is wrongfully suspended, what is this but for an authority of the State to determine what is an article of Catholic faith and what is not?[1] The case is the same with the Evangelical Church if her authorities suspend a clergyman for denying the fundamental truths of her confession. If the Court decides that wrong is done to him, it decides at the same time that the doctrinal tenets in question are not essential to the creed of that particular communion. Such an invasion of purely ecclesiastical territory on the part of a secular authority, of which no other qualification is demanded than that the president and five members shall be judges, appointed in constitutional manner by the State, destroys at once all internal independence of the Church. The law provides further, that the disciplinary authority of ecclesiastics shall be exercised only by German authorities of the Church. This provision is clearly aimed not only against the foreign superiors of orders, but also against the supreme disciplinary authority of the pope. But if anyone imagines to separate in this manner the Catholic Church of Germany from the pope, he is very much mistaken. The connection with the supreme pontiff is the basis and keystone of the whole edifice of the hierarchy. The practical significance of his disciplinary authority is this, that whoever is affected by it, submits thereto in accordance with the precepts of the Catholic Church. No power can prevent this submission, and the only consequence of this law will be that the Government will hear nothing of the exercise of this power of discipline by spiritual superiors. The co-operation of the civil authority is to follow in the execution of ecclesiastical decisions in matters of Church discipline, and, indeed, by way of administration, whenever the

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[1] The Report of the Committee of the House of Deputies declared expressly that the new Supreme Court was entitled to give judgment on questions of dogma, if the latter were contrary to law. Clause XI. of the law recites that the Court is competent to decide, when deprivation of ecclesiastical office 'is pronounced as a measure of disciplinary punishment or otherwise against the will of the delinquent, and contradicts the plain facts of the case (*der klaren thatsächlichen Lage widerspricht*), or violates the laws of the State or other principles of right.' Where is there any check or guarantee that the Court will not drag questions of dogma before its forum, or find, for example, that on the 'plain facts of the case' the alleged offender has preached nothing contrary to the confession of his Church ?

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[1] 'That is an interference' says Mr. J. F. Smith very justly, 'with the doctrinal teaching of the Catholic Church, as great as the interference of Constantine would have been had he ventured, after the Council of Nicœa, to pronounce the Arians orthodox.'—'The Falk legislation from the political point of view.'—'Theological Review,' October 1875.

Provincial President, after examining the cause, declares these decisions to be proper for execution. Thus the sentence in a purely ecclesiastical question is referred back to the civil authorities. The simple and correct solution would undoubtedly be that the Government should refuse all co-operation in the execution of such decisions, so that the Church should remain restricted to purely spiritual punishments.

Law concerning training and appointment of ecclesiastics, 1873.

The same confusion of Church and State competence is shown in the law relating to the training and appointment of ecclesiastics. Those who legislate on these matters will be perpetually straying into crooked paths, unless they steadily observe the principle that the clergy are not mere 'officiers de la morale publique,' as Mirabeau called them. Even in the Evangelical territorial churches it is not the Government that nominates them, but the territorial sovereign in his capacity as *summus Episcopus*. The fact that certain functions of public office are delegated to the clergy of the privileged Christian churches, can only entitle the State to withdraw the advantages conceded to them, in case they fail to fulfil the corresponding duties, which have been attached as a necessary condition of office and privileges, not to govern the Church in her internal affairs. And to these affairs unquestionably belong the training and appointment of her servants. The required educational tests are an attempt to enforce the security that all Catholic priests and Evangelical pastors shall receive a liberal education of the same quality as that received by liberally educated laymen, so that in time no person will be able to aspire to ecclesiastical duties who has not been educated in a public school. The intention of thus bringing the clergy from their narrowly professional course of training into the pale of general culture is excellent; but it is greatly to be doubted whether the means resorted to will accomplish this end. The State is perfectly entitled to demand from ecclesiastics, who desire to enjoy the privileges of their position, particularly a salary out of the public treasury, a certain general training, consequently therefore the proof of proficiency in certain specified branches of learning, in addition to the required gymnasial examination. Intrinsically therefore no objection can be taken to the law demanding such a standard of education. But it would be an error to imagine that by so doing the Catholic clergy will be made national. The contact with lay-students, from which so much has sometimes been expected, is virtually reduced to a nullity; the Catholic students live quite isolated, and never attend any lectures but those prescribed by their superiors. Moreover, it is a fundamental error of Liberalism to suppose that mere knowledge has the magic power of changing the moral and religious convictions of mankind. A Catholic ecclesiastic may amass a vast quantity of positive knowledge in history, literature, and philosophy, and yet retain a strictly Ultramontane, nay, a strongly anti-national disposition, as is proved by the Jesuits, who frequently pass the best of any in the examinations for the degree of doctor.[1] Moreover, the State already possesses that influence over clerical education which it exercises over all educational institutions in virtue of its rights of supreme inspection. It is entitled, undoubtedly, to interfere, should principles, under the name of dogmas, be propounded to ecclesiastics which attack its institutions. It is entitled to take care that minors, who cannot yet judge for themselves, shall not be subjected from their earliest boyhood to a distinctive spiritual training in institutions with monastic regulations, such as is done in the seminaries and separate establishments for boys intended for the priesthood. It would certainly have been better to abolish these seminaries altogether, than to place them in a moribund position by continuing them until they are vacated by their present occupants.

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[1] It is admitted by naturalists that, after the death of Humboldt, the man who has the most comprehensive grasp of natural science is Father Secchi, the former astronomer of the Pope; yet this never seems to have shaken him in his Catholic belief.

But the State oversteps its competence in undertaking to regulate the proper theological course of studies. It is quite true that in former times the professorships of the Catholic faculties were filled by tolerant men. But those days are gone; the Catholic professors in Germany are now either ardent Ultramontanes or have passed into the camp of the Old Catholics: the latter are teaching to empty benches, and the students, forbidden by the bishops to attend their lectures,[1] are left to the teaching of the Ultramontanes. As regards the professional qualifications of ecclesiastics the Church alone can decide; and the State, when once it interferes in those matters, can hardly avoid appearing as a partisan for particular tendencies within the Church. The theological faculties in the Universities presupposed the 'confessional,' or at least the Christian State; as the latter no longer exists, those faculties have outlived their objects, and ought properly to be dissolved, as has been done in Italy, leaving the churches themselves to train their servants.

Appointment of ecclesiastics.

The same remarks apply to the appointment of ecclesiastics. The State has a perfect right to declare that it makes the institution of a clergyman to the public advantages and emoluments conceded to his office dependent on the fulfilment of certain conditions, such as a liberal education, blameless reputation, previous notice of nomination, &c. The State has likewise the right to require the authorities of the Church to suspend an ecclesiastic already in office who is found guilty of certain offences, since his continuance in office cannot fail to occasion public scandal. But the State can attach to contravention in either case the withdrawal only of what itself has granted: it cannot dictate to the Churches on what terms they are to be allowed to confer one of their offices; still less can it inflict criminal penalties upon purely ecclesiastical acts, in an office conferred upon an ecclesiastic against its injunctions. The consequence would be the civil constitution of the clergy.

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[1] The University of Bonn has suffered heavily from the appointment of Old Catholic professors, who at present have exactly four pupils. The students of theology desert the University and go principally to Würzburg.

Mistaken policy of the May Laws.

A system of legislation which thus invades the peculiar dominion of the Church can only be explained by a misconception of the conditions and bearings of the conflict in question. That kind of liberalism which, filled with enmity to the Church, celebrates this legislation as a grand victory, sees in the Church of Rome only a political adversary, whose dangerous organisation must be broken up at any cost. It overlooks the fact that the real strength of the hierarchy is rooted in that tremendous power which it wields over the minds of its members and adherents, and which can never be crushed by laws. Dr. Falk himself said (Dec. 17, 1873), 'The power of the Catholic clergy is so great that not a word of what the Government says against them is believed by the masses.' The May laws are, in fact, a relapse into that false Josephinism which aimed at subduing by State instruments a dominion whose essential characteristic it is to withdraw itself from the compass of State power. If an enlightened absolutism shipwrecked in this attempt as utterly as did the Convention in its brutal policy of suppression, how can it be hoped that a similar experiment shall succeed in these days of universal suffrage, of liberty of the press, and freedom of association? Liberalism

CHAP. XXVI.

overrates further the power of the State, in thinking to be able to determine every question by a law dealing with it after its own fashion. That law alone contains the guarantee of real stability and duration which really fulfils its purpose: where this is not the case, the force of circumstances must sooner or later prevail, to abolish the law in the same way in which it originated. Now the May laws will never fulfil their purpose—that of regulating the position of the State towards the Church. The proof of this is found, not certainly in the resistance of the bishops, but in the resistance of the Catholic laity. That the Episcopate combats, so long as it can, every restriction of its power, is shown by all history as plainly as the ignoble sense to which it has perverted the words, 'One must obey God rather than man.' But it is wary enough not to go beyond the limits of its actual power. The Austrian bishops also have agitated and protested against the laws of 1874; but they have practically yielded, notwithstanding the papal condemnation, because they knew that they would not have the Catholic people at their back if they pushed their opposition to extremities. In like manner the hierarchy has not declared war against the small kingdom of Würtemberg, but has submitted to the law of 1862. In Prussia, on the contrary, the bishops refused obedience to the May laws because they were convinced that not only the clergy, but also the Catholic laity, would support them. The result has shown that they were not mistaken.

Flat coercion having failed, it has now been sought to crush this resistance by resorting to very different means. The Catholics are told that the ill-will of the hierarchy was the sole cause of the conflict, since in other countries the Catholic Church has submitted to the same regulations. But this plea has been ineffectual, because the statement itself is incorrect. It proves nothing to say that this or that regulation has long since been in force elsewhere; the question is, whether there is a single country where the whole system at issue exists with the tacit recognition of the Church; and this is certainly not the case. Yet the statement has been made of Würtemberg, and the former Minister of Public Worship, Herr Golther, is of opinion that 'the Prussian legislation occupies in principle the same ground and moves entirely in the same direction, as that of Würtemberg, enacted as long ago as 1862.' A scrutiny, however, of the latter will reveal at once considerable differences.

The Würtemberg law of 1862.

The Würtemberg law can certainly not be regarded as a model of legislation, and has first to be tried when, some day, less moderate men than Lipp and Hefele occupy the episcopal see. On the other hand, it not only bears a thoroughly kindly character towards the Catholic Church, but keeps much more carefully within the limits of State competence, in regulating her relations with the civil power, than is the case with the May laws in Prussia. It demands, indeed, for admittance to an ecclesiastical office, the qualification of civic rights, and the proof of proficiency in education; and it authorises the Government to protest, with formal assignment of reasons, against the bestowal of such office on persons who are civilly or politically ineligible. But it ordains no criminal punishments for purely ecclesiastical acts in an office conferred against its injunctions. The only consequence, therefore, of the illegal nomination of an ecclesiastic can be the refusal of the Government to admit him to the office in question. With regard to the exercise of the disciplinary authority of the Church, the Würtemberg law insists on regular judicial proceedings, but it does not forbid excommunication. Above all there is no State tribunal in Würtemberg which can interfere, as in Prussia, in the purely internal affairs of the Church.

These differences are so important that the point where the Würtemberg law goes farther than the Prussian, namely, by retaining in certain cases the *Placet*, is comparatively too trifling to be taken into account.

The statement, therefore, that the regulations which characterise the system represented in the May laws have been accepted in other countries by the Catholic Church, is unsupported by proof. But the Government in Prussia has gone farther. Since these laws have proved inadequate to put down the resistance they provoked, they have been supplemented by new regulations—namely, by a second law on the training and appointment of ecclesiastics (May 21); by the law on the administration of vacant Catholic bishoprics (May 20); and by the Imperial law of May 4, 1874, preventing the illegal exercise of ecclesiastical office. The first two laws affect merely the property relations of those church offices which are considered as vacated by the illegal proceedings of their holders. Their provisions with regard to appointment to those offices have remained entirely barren of effect. The Catholic congregations have made no use of their privilege to elect a new priest, and the only attempt made to bring about such an election has led to a sore discomfiture.[1] The chapters refuse to declare the sees of the ejected bishops vacant; and Archbishop Ledochowski issues directions to his clergy from Rome. It would certainly be desirable that the Catholic laity should exercise

Administration of vacant dioceses and livings.

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[1] When on November 5, 1874, the electors of Landsberg were summoned to choose a curate in place of the one nominated by the bishop against the May laws, 64 of them refused to proceed to the election, and the other 11 declared that they would vote for the candidate named by the bishop. After this first ill-success no more has been heard of that law, which is now a dead letter. Prince Bismarck himself said in a speech of April 14, 1875, that the Government knew the Catholic dogma well enough to discern that the rights attributed to the Catholic congregation did not exist. But why then this law ?

some influence in these matters; but self-government in this sense contradicts the constitution of the Catholic Church as it exists; and you cannot force people to be free against their will.

Law for coercion of recusant clergy. May 4, 1874.

The Act of the German Reichstag just mentioned gives indeed a large discretionary power to the Government, by authorising it to restrict to a particular place of residence, or even to strip of their rights of citizenship and expel, ecclesiastics illegally exercising their functions after sentence of dismissal in the proper Court. But it seriously contravenes those elementary principles of modern international and State law, which one has hitherto been accustomed to regard as well-established. Such, for example, is the maxim that every Government is bound to manage its own subjects, and to inflict only those punishments, in case of any transgression on their part, which are known in the Penal Code. The German Penal Code knows no other punishments but death, confinement with hard labour, imprisonment and detention in a fortress, fines, loss of civil *status* and the capacity for holding civil office, and finally, as a consequence of certain restrictions on personal liberty, the being placed under the surveillance of the police, which authorises the superior police authorities of the State to prohibit the person so condemned from residing in certain specified localities. On the other hand, deportation—in other words, internment in a remote part of the dominions of the State, coupled mostly with forced labour—is quite as alien to the penal code of Germany as the exile of native subjects. By § 39, 2, the right of exile is expressly limited to the case of foreigners.[1]

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[1] The punishment of loss of State-citizenship and exile exists in no country of Europe, except Russia and France. In Russia the judicial sentence in question is subject in every single case to confirmation by the emperor, and is limited moreover to one special offence, namely,

The May laws had kept within these limits. They had considerably increased the number of actions threatened with fines and imprisonment; but they had abstained from setting up any other modes of punishment than those already provided by the Penal Code. The law of July 4, 1872, had already gone beyond this, by enacting that native members of the Society of the Jesuits, even though they had not been sentenced to the punishments affecting personal liberty which were provided by the law, should be liable not only to be prohibited from residing in certain places, but to have a specified locality assigned to them for their abode. Exile, however, from Federal territory still remained limited to foreign members of the order. If now it was wished to apply the sentence of exile in Germany, that punishment should have been formally inserted in the Penal Code. But this has never been done. An attempt has been made, it is true, to remove the formal contradiction between the original draft of the Government and § 3 of the Imperial Constitution, which relates to the indigenous subjects of the Empire, by making the bill, when enacted, contain a provision that, in the case of a native ecclesiastic condemned to exile, the State of his birth shall declare him to have forfeited his citizenship.[1] But it is clear that this amendment is of a purely formal description. It is possible to withhold from a subject for any length of time

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that of disobeying the summons of the authorities to return to his native country—the extreme remedy, as it were, against such refractory absentees, on whom the State can inflict no other kind of punishment, since they have placed themselves beyond the reach of its jurisdiction. The French Code, indeed, establishes the punishment of exile in several cases, but this is generally considered as one of its worst features, and as a remnant of the arbitrary Napoleonic rule.

[1] Clause iv. enacts that 'persons thus losing their rights of citizenship in one of the German States are to lose it likewise in all other German States, and only reacquire it by consent of the State-Council.'

the exercise of his rights of State-citizenship; but he still remains the subject of his native State. Everyone must be a member of some State or other. A German remains a German, although he may be declared to have forfeited his rights of citizenship, so long as he has not become the subject of another State; and for this very reason any other State may decline to have an ecclesiastic in this position intruded upon its territory—a contingency necessarily implied in exile—just as England protested against France disembarking the exiled Communists on the British coast. And yet a law of such a kind, which threatens a priest who, in obedience to his bishop, performs the acts of priestly office forbidden by the State, with a punishment, deemed by all civilised nations the heaviest next to that of death, was actually approved by the parliamentary assembly of the German Empire whose majority call themselves Liberal.

The Government, furthermore, when the extent of the resistance to their measures became manifest, have refrained from executing one of the most important provisions of the law relating to the appointment of ecclesiastics. Clause 19 decreed that clause 18, which requires the permanent filling up of every office of parish priest within one year after the vacancy, should be applied also to the succursal parishes of the Rhenish law. The bishops concerned ought, according to the law, to have notified, up to the 15th of May, 1874, that the holders of these 1,241 provisionally-appointed benefices were permanently nominated. This was never done; and yet the Government did not venture to declare all these benefices vacant, and thus deprive three-fourths of all the Catholic parishes of the ministrations of a priest. They extricated themselves from the difficulty by announcing that the benefices in question were now *ipso facto* filled up.

Finally, the Government tried to meet the increasing embarrassments of the situation by several laws, which rested on a basis different from that of the May legislation.

Compulsory Civil Marriage Bill.

Civil marriage had long since become a necessity, for it offered the only possible prospect of a solution, between the communities of Church and State, of a question approached by both parties from different points of view; and the Conservative party only showed their shortsightedness when they rejected in 1859 the bill of the Minister von Bethmann-Hollweg, which proposed facultative civil marriage. The Government now, by introducing not only this, but making civil marriage compulsory, gained no support for their contest with the hierarchy, but rather facilitated resistance. Until October 1, 1874, in all parishes where the office of priest was vacant in consequence of the May laws, no valid marriage could be concluded by Catholics, which was naturally felt to be a serious evil. Persons now conclude marriage in the presence of the civil officer (*Standesbeamte*), and have it afterwards solemnised in private by a priest whom they consider legally qualified, thus withdrawing the subsequent ceremony from all Government control. The latter, therefore, has gained not a single one of its objects by a law which, by its precipitate introduction, has only injured the Evangelical Church. It is just as impossible to reconcile two systems so diametrically opposed to each other as to turn to the right and to the left at the same time.[1]

The pope's correspondence with the emperor.

In 1875 the struggle entered upon a new phase. The pope had formerly cherished the hope that the emperor might be induced to refrain from pursuing farther the policy of the May laws; and had addressed to him (August 7, 1873) a singularly ill-advised letter, in which he feigned to believe that the emperor did not approve of the measures of his government. This provoked a dignified answer (Sept. 3) from the emperor, who pointed out the error of supposing that a constitutional sovereign could possibly dissent from the measures he himself had sanctioned. A further reply from the pope was suffered to pass unnoticed; but the Curia still remained inactive, probably hoping that a personal interview might be arranged between Pius IX. and the emperor, as the latter projected a visit to Italy. But the contemplated journey was postponed, and the Government in Prussia steadily pursued its way. Archbishop Ledochowski and the Bishop of Paderborn were deposed. Early in 1875 (Feb. 5) the pope addressed an Encyclical to the Prussian bishops (*Quod Nunquam*) in which he declared the ecclesiastical laws null and void, as contradicting the divine mission of the Church. This was clearly as indefensible as the papal edict against the Austrian constitution; and the Prussian Government was obviously entitled to prosecute those who promulgated this Encyclical, as inciting to disobedience against the law; for whatever may be thought of the May laws, they were formally and legally binding.

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[1] The law was extended, with some modifications, to the whole Empire, on February 6, 1875.

Encyclical to Prussian bisho Feb. 5, 1875.

But the Government, determined to crush resistance, met this attack by issuing a fresh budget of laws. The first law of April 22, 1875, enacted that all salaries and subventions paid by the State to Catholic priests or institutions should be suspended until the respective bishops or priests had signed a written declaration of their intention to submit to the laws of the State. Since the May laws belonged to this class of ordinances, the clergy were thus left simply to choose between hunger and excommunication. But the danger of the latter proved the more effective of the two. The subvention of the State was about a million of thalers a year: this gap was filled by voluntary contributions, and the law missed its object. The second

Bill withdrawing State salaries from refractory clergy. April 22, 1875.

Convents Bill, May 31, 1875.

law of May 31 expelled all orders and similar communities from Prussian territory: those only were excepted which devoted themselves exclusively to the care of the sick, and even those might be expelled by Royal ordinance. Their property was not to be confiscated, but to be temporarily sequestrated by the State. Now it was perfectly true that the various orders and congregations in Prussia had developed to alarming proportions, and the State was certainly entitled to take this fact into serious consideration, as their members formed in fact an army subject to the commands of foreign superiors. It would therefore have been perfectly legitimate to withdraw all privileges from such communities, to annul their corporate rights, and to declare that vows taken by their members were null before the civil law. But to forbid members of a particular religious denomination to associate in bodies for the pursuit of objects perfectly legitimate in themselves was clearly incompatible with civil liberty, and deprived society of forces for which no equivalent could be found.

Catholic Church Property Administration Bill.

A third law abolished Articles XV., XVI., and XVII. of the Constitution, as these were not in accordance with the new laws; and a fourth measure transferred the administration of the revenues of Catholic parishes to an elective board. This last enactment was based on a different principle from that of its predecessor. It touched one of the most objectionable points in the Catholic Church government, where abuses were frequent enough, and it did not touch Catholic dogma. At first it excited some surprise that the bishops, who had protested against this bill as against the others, submitted when it became law; and the Liberals hailed this acquiescence as the beginning of a surrender. But this notion proved a grave error: the bishops had indeed protested, but had not, as formerly, declared that they would never submit. They could do so, because no dogma was concerned, and they did so because they knew that, in the contrary event, they would not be supported by the Catholic laity; for even the Ultramontane peasant is not averse to exercising his influence in money matters. They did so also because they knew that if the Catholics abstained from exercising their electoral rights, the whole fortune would pass into the administration of the State. They therefore authorised the people to take part in the elections, and the consequence was that all the boards were composed of their adherents.

Bismarck's circular on the next Conclave, May 14, 1872.

The fact remains that all these laws, like their predecessors, are impotent to break the resistance of the Catholics. Nor was Prince Bismarck more successful in his efforts to give an international character to the contest. On May 14, 1872, he addressed a circular to several Governments on the future Conclave, pointing out that the papal power, so largely increased by the dogma of Infallibility, made it advisable for the State to examine whether the election and the person of the elected pontiff offered the necessary guarantees against the abuse of such power. He claimed, therefore, not only the preliminary exclusion of some disagreeable candidate, not only the control over the legitimacy of the election, but the power of deciding whether the elected pope should be admitted to exercise his rights. All the governments met his circular with a negative reply, and it is perfectly clear that any attempt of the German Government to exercise an influence on a future Conclave is hopeless of success. Any candidate who might be favoured by Germany would *ipso facto* lose all chances of being elected. Still more adventurous is the hope of a future so-called liberal pope, inclined to make peace. In the first instance the probability of a pope of different principles being elected is extremely small, because, with the exception of a few, all the cardinals have been named by Pio Nono himself. But even the mildest pontiff would never consent to treat on the basis of the May laws.

No government, it is further to be observed, has shown any disposition to follow Germany in her ecclesiastical policy. Of England and France there could be no question. Russia, when the danger of the Polonising influence of the clergy in the provinces of the former kingdom was alluded to, as being manifested in the nomination of Archbishop Ledochowski to the Primacy of All Poland, answered that Cardinal Antonelli had furnished satisfactory proof that no such nomination had taken place. Italy declined to change her ecclesiastical legislation, and particularly the Law of Guarantees.[1] Austria by her legislation kept out of the conflict; and so did Würtemberg and Saxony with the Empire. The Swiss cantons, Baden, and Hesse remained the sole confederates in the struggle. Bavaria observed in these questions a wavering policy, which only led to a hostile majority in the Legislature, neutralising all action of the Government.

It is certain that Prussia can still proceed with more repressive measures, that the Government can reduce the Catholic Church to that state of sufferance to which she was brought in the French Revolution; and an ingenious writer has even proposed simply to forbid the exercise of the Catholic worship. But with all this it will never bring the Church to submit to the May laws.

1. The Catholic Church will never promise absolute obedience to all laws of the State, present and future. As a general principle such obedience is self-evident; therefore no special promise is asked from a citizen to that effect, and therefore it ought not to be asked exceptionally from clergymen. But to promise *absolute* obedience to any law, however much it may violate the conscience, is impossible. The right of passive resistance—that is to

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[1] See *ante*, p. 449.

say, of submitting freely to the consequences of disobedience—must remain, if the State wishes to have citizens and not slaves as subjects.

2. The Catholic Church will never admit, as n fact no Church deserving that name can admit, that the State is entitled to decide whether anybody is a member of her communion or not. Every private association, club, or union declares by its legitimate organs what are the conditions of membership. If any member refuses to submit to its existing rules or statutes, he must try to have them altered; and if he does not succeed, he must cease to be a member of that society. The State is only entitled to watch that the existing statutes are observed, and the regulations made by the duly-constituted organs.

3. The Catholic Church will never acknowledge that through an election simply decreed by the State and conducted by the congregation, or on the ground of the right of patronage as enlarged by the State without the co-operation of the authorities of the Church, a priest can ever become the spiritual pastor of a Catholic flock, or that the latter can even lay claim, in lawful and comparatively essential acts of spiritual ministration, to the active services of such a priest. The State is fully entitled to fix conditions under which alone it allows Catholic priests to participate in the advantages it grants to their Church, as to a privileged religious community; but the Church alone can supply the priests and curates.

4. The Catholic Church will never acknowledge as a principle, that a bishop or ecclesiastic can lose the capacity for ecclesiastical office through the sentence of the civil power; or that in consequence of such sentence, and without the consent of their ecclesiastical superiors, the Catholic laity are released from their duty of spiritual allegiance. The State punishes ecclesiastics who occasion public disquietude, or disturb public order, and the State

can unquestionably demand that such ecclesiastics shall be removed by their superiors from office; and in case such demand is not carried out, it can treat the office as vacant, withdraw from it the emoluments secured to it, and refuse all public recognition to acts performed by its occupant. But with regard to priests in their ecclesiastical capacity, the State can as little depose as it can elect them.

5. The Catholic Church will never acknowledge that the State *in merè spiritualibus* can exercise supreme disciplinary authority, such as the May laws have empowered it to do, by transferring the final decision in all important disputes of that nature from the ecclesiastical superiors to the Royal Court of Appeal. In the report of the Committee of the House of Deputies it was expressly stated that questions of dogma were not excluded from the jurisdiction of the Court.

6. The Catholic Church will never acknowledge that the pope has not supreme disciplinary power in the Catholic Church, or can be compelled to delegate this power to certain officials.

With the assertion of these fundamental principles the Catholic Church stands or falls, as does in fact every Church which is not a State-Church. For the Catholic Church to abandon these would be 'propter vitam vivendi perdere causas;' she might exist, but she would not live.

It is said that the policy of the Catholic hierarchy is dangerous to the State. We do not deny it; but before acting, the statesman is bound carefully to investigate what dangers are real and what are false cries of alarm. And as regards the real dangers, the success in averting them depends on the choice of proper means. We maintain that the means chosen were ill-advised. The German Chancellor has shown gifts of the very first order in questions of foreign and national policy: no one equals him at the present day in the capacity to take an accurate estimate of the material resources of a country, of the motive power of governments and of political parties. He matures his plans, and carries them out with as much energy as patience; but he shows, as did Napoleon I., how difficult it is for autocratic natures to realise the strength of purely spiritual forces. Amidst all the vehemence and turmoil of these proceedings, the real nature of those forces was entirely overlooked which were about to be let loose. Political passion is strong, but religious passion is far stronger still; and no power has such good and evil passions at its command as the Catholic hierarchy. This is certainly no reason for preventing the State from repelling their encroachments on the civil domain; but Governments should carefully abstain from answering them by carrying the war into the internal territory of the Church, and thus challenging the opposition of ideas, which, however erroneous they may be in themselves, can never be vanquished by legislation. From time to time Liberal papers announce that the highest point of resistance is overpassed, and the clergy are about to yield; and every time this assertion proves an illusion.[1] Not only has nothing been gained, but the result has proved the exact contrary of their expectations. The bishops, whose authority was so heavily damaged by their 'sacrificio dell' intelletto,' have been given the opportunity of rehabilitating their moral character, by showing that it was not the fear of temporal disadvantage that induced them to submit to the decrees of the Vatican Council. It was thought to separate the inferior clergy from the Episcopate; but the former stand firmly by their superiors. It was wished to emancipate the laity from the hierarchy; but the mass of the Catholic people have been brought into a serried phalanx of opposition, under those very leaders from whom it was intended to deliver them. The result is, therefore, that the laws, so far from exercising a disintegrating influence, have tended only to unite in firmer cohesion the elements of which the Catholic Church is composed. She suffers, of course, intensely from the pressure to which she is exposed; but the losses she has experienced are more than outweighed by the fact of her internal consolidation. It is plainly impossible that the State should carry on war for any permanence with the third part of its subjects. It has no means for crushing such an organised passive resistance, backed by religious fanaticism. For a statesman, convinced though he may be of the justice of a measure, it ultimately remains to consider whether he has the power to carry that measure into effect.

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[1] On the occasion of Dr. Falk's tour through the Rhenish provinces in June and July, which called to mind the famous journey of Catherine II. with Potemkin through the Crimea, the 'Times' observed, 'The triumphant progress of Dr. Falk cannot indeed shake our conviction that he is the representative of a policy that must fail.' The truth of this observation was proved immediately afterwards; for, notwithstanding the demonstrations with which the Liberals had received the Minister, they were defeated directly after by immense majorities in the ensuing Rhenish elections.

Add to this now a number of serious positive disadvantages. The Government, whose guidance not even the most moderate Conservatives can any longer follow, sinks into growing dependence on the irreligious and purely bureaucratic elements of political life, which are utterly undeserving of confidence, because utterly destitute of all independent ideas. The Liberals, harnessed to the car of the *Kulturkampf*, whose name is verily as 'lucus à non lucendo,' abjure all their former principles in order to demolish the Church. All firm principles of justice and liberty disappear in the overpowering noise of national-liberal phraseology. The Evangelical Church, the strongest champion against Ultramontanism, suffers heavily, and has been endowed, to please the Liberals, with a constitution which makes it a creature of the State. All the elements hostile to any Church have been fortified, most of what the Liberal press says against the Catholic Church might as well be said against the Christian faith in general. The socialist leaders, therefore, look complacently upon the struggle, which brings them fresh recruits, and undermines the principle of moral authority in general: the masses become more and more either irreligious or ultramontane. It is impossible that such a condition of things should really strengthen the State; the omnipotence which it assumes is not strength but weakness. The principle itself of the omnipotence of the State is mischievous, because it rests on the erroneous assumption that the State is entitled to cover the whole of life with a network of regulations, through whose narrow meshes nothing may escape; while, properly, so much room should be left free for the exercise of individual liberty as the people can bear, and exercise without damaging the welfare of the commonwealth. Hence the reason why citizens of a free State are always the most faithful subjects. Then, as to the laws themselves, the maxim, that there is no protection of the law beyond the State, and that the State can only protect that law which it has acknowledged, is perverted by maintaining that there is no law except that which the State has made by special legislative enactment. From this point of view the law is nothing but the will of the present Government and the majority of the legislature. As soon as the Sovereign, the Ministry, or the majority change, the law is to be changed correspondingly. To-day an article of the Constitution is the rule of all special laws; to-morrow it is abolished; the only question is whether the factors of legislation are strong enough to enact the change or not; thus the law itself loses its firm ground and becomes

Mischievous character of the 'Kulturkampf.

co-extensive with the shifting power. A further disadvantage of the *Kulturkampf* for the State is that all questions of internal administration are decided from the point of view whether the Catholic party will be strengthened or not. A remodelling of the administration of districts and provinces was acknowledged as necessary, yet the laws enacted for the Eastern provinces were withheld from the Western, because there the elections would be carried by the Ultramontanes. The decentralisation of the general administration is highly desirable, but is delayed, because the central government cannot part with the power of vigorously subduing Ultramontane tendencies. The long-asked-for law of public instruction does not make its appearance because the school-boards to be elected would be opposed to the Government in Catholic districts. Can it be said that such a condition of internal affairs makes the State strong? Can the same be said if complications in the foreign policy should force the Government to act?

However, in spite of all this, Ultramontanism never can, and never will be victorious in this struggle. There can never be any question of a return to the *status quo ante*, because that *status* itself was wrong. Nor can any hopes be entertained of a formal understanding with a power whose head ventures openly to declare State laws to be null and void. The day of Concordats is past; the State that undertakes to remodel its relations with the Church can make the limits of its interference coextensive only with the boundaries of its sovereign power. Everything depends on this, that the State, in so doing, should understand to fix the right measure of its action. Should the Government in Prussia abandon the wrong principles contained in the May laws, and restrict itself to steadfastly guarding the sovereign rights of the State, then the clergy must practically succumb, since by persevering in resistance they would no longer have the Catholic people at their back. But for the State this would be no more a retreat, than it would be for a general to abandon an untenable position in order to exchange it for one of impregnable defence. The defeat which represents a change of system does not threaten the State, but only the special policy that has been adopted. Yet even when statesmen have succeeded in regulating the relations with the Church upon firm defensive principles, they ought not to overestimate the value of what they have attained. All that the modern State can do is to mark off the battle-field for that great struggle between belief and unbelief, which, according to Goethe, is the peculiar, sole, and profoundest theme in the history of the world and of mankind; besides this, it can certainly advance the victory of truth in so far as it assists in disseminating true culture and patriotism. But the kernel of the struggle lies beyond the power of the State, just because Church and State occupy different territories of dominion. 'You cannot,' says Luther, 'smite a spirit with the sword': false ideas are only to be vanquished by true ones; and Rome will only be conquered by the liberty of the Gospel.

THE END.

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